

Al Rajhi Bank

Ex. 61

1 UNITED STATES DISTRICT COURT.
2 SOUTHERN DISTRICT OF NEW YORK

3
4 IN RE: TERRORIST ATTACKS ON
5 SEPTEMBER 11, 2001

6 Underwriting Members of Lloyd's
7 Syndicate 2, et al., v.
8 Al Rajhi Bank, et al.,
9 No. 16-cv-07853

03 MDL 1570
(GBD) (SN)

10 Addesso, et al. V. Kingdom of
11 7 Saudi Arabia, et al.,
12 No. 16-cv-09937

ECF Case

13 Aguilar, et al. V. Kingdom of
14 Saudi Arabia, et al.,
15 No. 16-cv-09663

16 Hodges, et al. V. Kingdom of
17 Saudi Arabia, et al.,
18 No. 17-cv-00117

19 Aiken, et al. V. Kingdom of
20 Saudi Arabia, et al.,
21 No. 17-cv-00450

22 Charter Oak Fire Insurance Co.,
23 et al. V. Al Rajhi Bank, et
24 al., No. 17-cv-02651

Abarca, et al. V. Kingdom of
Saudi Arabia, et al.,
No. 17-cv-03887

Arrowood Indemnity Co., et al.
v. Kingdom of Saudi Arabia, et
al., No. 17-cv-03908

Abedhajajreh, et al. V. Kingdom
of Saudi Arabia, et al.,
No. 17-cv-06123

1 Muenchener
Rueckversicherungs-Gesellschaft
2 Aktiengesellschaft in Muenchen,
et al. V. Kingdom of Saudi
3 Arabia, et al.,
Case No. 17-cv-07914

4
Abbate, et al. V. Kingdom of
5 Saudi Arabia, et al.,
No. 17-cv-08617
6

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8 THIS TRANSCRIPT CONTAINS CONFIDENTIAL MATERIAL

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11 VIDEOTAPED EXPERT DEPOSITION OF

12 DENNIS M. LORMEL

13
14 Thursday, February 1, 2024

15 9:02 a.m. Eastern Time

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17
18
19 Reported by: Denise Dobner Vickery, CRR, RMR

20 JOB NO.: 350187

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Thursday, February 1, 2024

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9:02 a.m. Eastern Time

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Videotaped Expert Deposition of

12

DENNIS M. LORMEL, held at the offices of:

13

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WHITE & CASE LLP

15

701 Thirteenth Street NW

16

Washington, DC 20005

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Pursuant to notice, before Denise

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Dobner Vickery, Certified Realtime Reporter,

21

Registered Merit Reporter, and Notary Public in

22

and for the District of Columbia.

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19 (Via Zoom)

20 VIDEOGRAPHER:

21 VINCE ROSICA, Golkow Litigation Services
22
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1 P R O C E E D I N G S

2 - - -

3 THE VIDEOGRAPHER: We are now
4 on the record.

5 My name is a Vince Rosica.
6 I'm a videographer for Golkow Litigation
7 Services. Today's date is February 1,
8 2024 and the time is 9:02 a.m.

9 This video deposition is being
10 held in Washington, DC in the matter of
11 Terrorist Attacks on September 11, 2001,
12 MDL No. 1570. The deponent is Dennis
13 Lormel.

14 Counsel in the room please
15 identify yourselves for the video record.

16 MR. CARTER: Sean Carter from
17 Cozen O'Connor on behalf of plaintiffs
18 and my colleague, Scott Tarbutton, is
19 here in the room with me.

20 MS. KOWNACKI: Good morning.
21 This is Nicolle Kownacki of White & Case
22 on behalf of Al Rajhi Bank and the
23 witness, and I'm joined in the room today
24 by my colleagues, Michael Mahaffey,

1 Reuben Sequeira, and Soraya Todd.

2 We also have a representative
3 from the Al Rajhi Bank legal department,
4 Abdulrahman Al Mussaed, appearing
5 virtually.

6 MR. SHEPS: Robert Sheps,
7 Sheps Law Group, representing the
8 plaintiffs.

9 MS. PRITSKER: Good morning.
10 Gabrielle Pritsker on behalf of defendant
11 Dubai Islamic Bank.

12 THE VIDEOGRAPHER: For those
13 on Zoom, can you please state your
14 appearances.

15 MR. GOETZ: Frederick Goetz
16 for World Assembly of Muslim Youths.

17 MR. GRYSKIEWICZ: Jon
18 Gryskiewicz from Lewis Baach Kaufmann
19 Middlemiss for MWL, IIRO, and certain
20 charity officials.

21 MR. SALERNO: Peter Salerno,
22 Salerno & Rothstein for Yassin al-Qadi.

23 MS. ROTHSTEIN: Amy Rothstein,
24 Salerno & Rothstein for Yassin al-Qadi.

1 MS. ZOHNY: Good morning.

2 Fatema Zohny on behalf of OTM Law for
3 WAMY.

4 THE VIDEOGRAPHER: The court
5 reporter is Denise Vickery will now swear
6 the witness.

7 - - -

8 DENNIS M. LORMEL

9 called for examination, and, after having been
10 duly sworn, was examined and testified as
11 follows:

12 - - -

13 EXAMINATION

14 - - -

15 BY MR. CARTER:

16 Q. Good morning, Mr. Lormel.

17 A. Good morning.

18 Q. As you heard during the
19 introductions, my name is Sean Carter. I'm an
20 attorney for plaintiffs in the litigation, and
21 we're here today to take your deposition.

22 I trust you're aware that this is
23 litigation arising from the September 11th
24 attacks, correct?

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1 A. Yes.

2 Q. And are you aware that the
3 plaintiffs in the litigation include individuals
4 making claims for deaths and injuries resulting
5 from the attacks?

6 A. Yes.

7 Q. And are you aware that the
8 plaintiffs in litigation also include commercial
9 parties claiming financial damages as a result of
10 the attacks?

11 A. Yes.

12 Q. I take it from your responses that
13 you're cognizant of the importance of the subject
14 matter of this litigation?

15 MS. KOWNACKI: Objection.

16 THE WITNESS: Yes.

17 BY MR. CARTER:

18 Q. Mr. Lormel, have you been deposed
19 before?

20 A. Yes, I have.

21 Q. About how many times?

22 A. This would be about the 11th.

23 Q. And did all those occur in the
24 context of some civil litigation proceeding?

1 A. Yes.

2 Q. And have you given testimony under
3 oath in any other capacities?

4 A. Yes.

5 Q. What other capacities?

6 A. I've testified in one of my expert
7 cases in a trial, and during my law enforcement
8 career I've testified numerous times, and I've
9 testified before Congress a number of times.

10 Q. And with regard to the testimony in
11 your law enforcement career, did that include in
12 connection with criminal matters?

13 A. Yes.

14 Q. And that was at trial?

15 A. I only believe I testified at trial
16 maybe once. I testified in a number of hearings
17 and in grand jury proceedings.

18 Q. And with regard to the testimony
19 before Congress, about how many times did you do
20 that?

21 A. While I was in the FBI, at least
22 five, and five since my retirement from the FBI.
23 I also wrote testimony for at least another five
24 Congressional hearings for executives in the FBI.

1 Q. So fair to say you have some
2 experience providing testimony?

3 A. Yes, sir.

4 Q. Just to make sure that we understand
5 the ground rules for today, the court reporter to
6 your left and my right is going to be taking down
7 my questions and your answers. So it's important
8 that you wait until I finish my questions before
9 answering, and that I wait for you to finish your
10 answer before starting another question.

11 Does that seem fair?

12 A. Yes.

13 Q. If at any point today you need to
14 take a break, just let us know, and we'll find an
15 appropriate time to do that.

16 A. Thank you.

17 Q. In connection with my questioning
18 today, it's important that you be as forthcoming
19 as possible. So if you have information
20 responsive, I'm going to expect that you share
21 that, even if it's only partial information.

22 Is that okay?

23 A. Yes.

24 MR. CARTER: I'm going to mark

1 as Exhibit 1 the notice of oral
2 deposition for your deposition today,
3 which should be at Tab 1 in the binder.
4 And we'll designate this as Lormel 1 per
5 the protocol we've been using.

6 (Document marked for
7 identification as Lormel Exhibit 1.)

8 BY MR. CARTER:

9 Q. Mr. Lormel, have you seen this
10 document yet?

11 A. I don't believe I have.

12 Q. In number 4 in this request that we
13 sent to counsel for Al Rajhi Bank, we asked to be
14 provided copies of billing statements and invoices
15 in connection with your work in this litigation.

16 Do you have those with you today?

17 A. No, I don't.

18 Q. Have you submitted invoices or
19 billing statements to Al Rajhi Bank for your work
20 in this matter?

21 A. Yes.

22 Q. When was the last time you submitted
23 one?

24 A. In December.

1 Q. And was that at the conclusion of
2 the writing of your report?

3 A. No.

4 Q. Was it before you finished writing
5 your report?

6 A. Yes.

7 Q. And so you have not yet submitted a
8 bill that encompasses all the work through the
9 date of the completion of your report?

10 A. Correct.

11 MR. CARTER: We had an
12 agreement with counsel for Al Rajhi Bank
13 that we would share copies of the billing
14 statements, subject to some redactions.
15 Do we have them?

16 MS. KOWNACKI: We agreed to
17 give -- we stipulated to giving you the
18 hours and total compensation, and we will
19 give you those.

20 MR. CARTER: Okay. Can I have
21 them now so that they can be of benefit
22 for purposes of talking with the witness?

23 MS. KOWNACKI: Yes. So Dennis
24 Lormel has billed up to his final invoice

1 165 hours, 165.5 hours, and a total
2 compensation of \$82,750.

3 BY MR. CARTER:

4 Q. So, Mr. Lormel, if I understand, as
5 of the date of your invoice in December, you had
6 billed about 165 hours?

7 A. Yes.

8 Q. Do you recall approximately how many
9 additional hours you billed through the date you
10 signed your report?

11 A. Through the date I signed the
12 report, probably 20.

13 Q. And another 20?

14 A. 20. Yeah. Altogether in between
15 the report and in preparation today, 42 hours.

16 Q. So I want to just carve out the work
17 you did from the beginning of the engagement in
18 this matter through the date you submitted your
19 report.

20 Would that be about 185 hours?

21 A. Yes.

22 Q. And when did you begin your work?

23 A. Back in September.

24 Q. Do you recall exactly when?

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1 A. It would have been after
2 September 7th, but probably toward the end of the
3 month.

4 Q. So the 185 hours that you estimated
5 from the commencement of your work through the
6 date of your report would have covered a period
7 from about late September through December 22nd,
8 the date your report was signed?

9 A. About 165 hours would have been
10 that -- that window, I think.

11 Q. Okay. Well, I think you said that
12 there was about another 20 hours up to the
13 completion --

14 A. Well --

15 Q. -- of your report?

16 A. -- no, I think that was -- I'm
17 sorry. If my -- if I've concluded the report in
18 December, then it was in that 165.

19 Q. So let's clarify the record here.

20 From the time you commenced your
21 work sometime in late September through the date
22 you completed your report and signed it on
23 December 22, 2023 --

24 A. Right.

1 Q. -- you --

2 A. A total of about 165. I think it's
3 actually 167.5 hours.

4 Q. Okay. And in the statements that
5 you submitted to counsel for that work, without
6 telling me any specifics, did you include
7 descriptions of the nature of the work that you
8 performed?

9 A. General descriptions, yes.

10 Q. Did you include descriptions of the
11 materials that you reviewed?

12 A. No.

13 Q. Okay. Your report refers to court
14 filings and documents provided by counsel that you
15 reviewed, in addition to other materials, but it
16 doesn't identify those materials.

17 What were those?

18 MS. KOWNACKI: Objection.

19 You can answer.

20 THE WITNESS: Can you repeat
21 that, please?

22 BY MR. CARTER:

23 Q. Sure.

24 The report refers to court filings

1 and documents provided by counsel that you
2 reviewed, in addition to other materials, but it
3 doesn't identify those documents.

4 What were those?

5 A. Court filings and -- well, the
6 initial court filing they provided me with and
7 documents that -- that -- that I felt were
8 relevant.

9 Q. Well, can you identify them for me
10 today with any particularity so that I know what
11 they were?

12 A. They're listed in the -- in the
13 appendix and -- and in the other documents I
14 reviewed. And in my -- in my report, the
15 citations.

16 Q. So were there any court documents or
17 other materials provided by counsel to you that
18 you reviewed that are not listed in the annex or
19 cited in your report?

20 MS. KOWNACKI: Objection.

21 You can answer.

22 THE WITNESS: I don't believe
23 so.

24 BY MR. CARTER:

1 Q. Well, you -- you indicated a minute
2 ago that counsel had provided you with a copy of
3 the initial filing in the case.

4 Is that the complaint?

5 A. Yes.

6 Q. Okay. The complaint, as I
7 understand it, is not referenced anywhere in your
8 report.

9 So that's a document you considered
10 that I don't see listed anywhere in your report.

11 A. I looked at --

12 MS. KOWNACKI: Objection. The
13 appendix says that it includes materials
14 cited in his report and those cited in
15 the experts' reports.

16 BY MR. CARTER:

17 Q. Okay. Did you review each and every
18 document listed in appendix of Mr. Winer's report?

19 A. No.

20 Q. Did you identify each -- did you
21 review each and every document referenced in
22 Mr. Kohlmann's report?

23 A. No.

24 Q. How is it possible for me to know

1 looking at your report which documents you did
2 review and which you didn't?

3 A. Well, certain, the documents I have
4 cited here.

5 Q. So I can understand that you
6 reviewed documents you specifically cited.

7 Are those the only documents you
8 reviewed?

9 A. Well, I reviewed some of the
10 documents that are cited in Kohlmann and in
11 Winer's reports.

12 Q. But can you tell me which ones you
13 did review and which ones you didn't, sitting here
14 today?

15 A. Specifically, no.

16 Q. Okay. You've been a financial crime
17 investigator for many years?

18 A. Yes, sir.

19 Q. And in financial crime
20 investigations, would you agree that review of the
21 actual records of the bank are relevant to
22 conducting a thorough investigation?

23 A. In most instances, I'd agree with
24 that.

1 Q. Did you conduct a review of the
2 banking records produced by Al Rajhi Bank
3 concerning the customers that were within the
4 scope of discovery?

5 A. I reviewed a couple but not -- not
6 -- not a lot of the records.

7 My -- my engagement was to review
8 and -- and report on, provide my opinion on
9 Kohlmann and Winer's reports, which I did.

10 Q. And Mr. Winer's report addresses
11 issues related to possible anti-money laundering
12 and counterterrorism financing inadequacies on the
13 part of Al Rajhi Bank, correct?

14 A. Correct.

15 Q. Okay. And for purposes of
16 responding to his opinions on that issue, did you
17 conduct a comprehensive review of the account
18 information for the customers that he addressed in
19 his report?

20 A. Not all the customers, no.

21 Q. Did you conduct a comprehensive
22 review of the documents provided to determine
23 whether there were any transactions that would be
24 suspicious within traditional banking standards?

1 MS. KOWNACKI: Objection as to
2 form of the question.

3 You can answer.

4 THE WITNESS: Can you repeat
5 that, please?

6 BY MR. CARTER:

7 Q. You're familiar with the term
8 "suspicious transaction" as used in the anti-money
9 laundering context?

10 A. Yes.

11 Q. Did you conduct a comprehensive
12 review of the Al Rajhi Bank financial documents to
13 determine whether or not there were transactions
14 that fit the definition of a suspicious
15 transaction, as you understand the term?

16 A. No. No, I did not.

17 Again, my -- my engagement was to
18 respond to their reports, Kohlmann and Winer.

19 Q. Is the curriculum vitae you attached
20 to your report essentially up to date?

21 A. Yes. Excuse me.

22 Q. And have you given any testimony as
23 an expert since that time?

24 A. Since which time?

1 Q. Since the time you finished your
2 report just a --

3 A. Oh, no.

4 Q. -- month ago?

5 A. No. No.

6 Q. And in describing your experience in
7 your report, did you try to provide the court with
8 the work that you deemed the most relevant to
9 evaluating your role as a proposed expert in the
10 case?

11 MS. KOWNACKI: Objection.

12 You can answer.

13 THE WITNESS: Yes.

14 BY MR. CARTER:

15 Q. I believe you said you've testified
16 as an expert in a number of civil matters,
17 correct?

18 A. In depositions.

19 Q. I meant in depositions, yes.

20 A. Yeah. Yeah.

21 Q. And have you been engaged as an
22 expert in civil matters where you didn't testify
23 at a deposition or trial?

24 A. Yes.

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1 Q. With regard to the civil matters
2 where you've been engaged to serve as a consultant
3 or expert, did any of them involve claims of
4 terrorist financing activity?

5 A. Yes.

6 Q. Okay. Which were those?

7 A. I was retained years ago, I think it
8 was like 2012-2014 -- excuse me -- involving
9 litigation against, I believe it was, the Bank of
10 China. Similar 9/11 type of things.

11 And then 2018 through 2021, I was
12 involved in litigation involving the Dubai Islamic
13 Bank.

14 Q. And that was on behalf of Dubai
15 Islamic Bank in this litigation?

16 A. Yes.

17 Q. And you've submitted an expert
18 report in the 9/11 multidistrict litigation case
19 on behalf of Dubai Islamic Bank, correct?

20 A. Yes.

21 Q. And some of the CIA reports that you
22 discuss in your expert report for Al Rajhi Bank
23 also contain information concerning Dubai Islamic
24 Bank, correct?

1 A. Correct.

2 Q. And do you agree with me that some
3 of the information in those CIA reports concerning
4 Dubai Islamic Bank is derogatory in nature?

5 MR. PRITSKER: Objection.

6 This is outside the scope of his expert
7 report. So is the rebuttal report
8 concerning Dubai Islamic bank.

9 BY MR. CARTER:

10 Q. You can answer?

11 A. Can you repeat that, please?

12 Q. Yeah. Would you agree with me that
13 some of the expert or CIA reports addressed in
14 your report on behalf of Al Rajhi Bank include
15 information that is derogatory about Dubai Islamic
16 Bank, your other client?

17 A. Yes.

18 Q. And so those -- the content of those
19 CIA documents has been cited by plaintiffs in the
20 9/11 multidistrict litigation in support of their
21 claims against Dubai Islamic Bank, correct?

22 MS. PRITSKER: Objection.

23 THE WITNESS: Yes.

24 BY MR. CARTER:

1 Q. So you mentioned the litigation
2 against the Bank of China.

3 What was the basic allegation in
4 that case?

5 A. It was a lawsuit that monies flowed
6 through the Bank of China that resulted in the
7 deaths of Americans in -- I think in a Hamas
8 attack.

9 Q. And what party did you work for in
10 that case?

11 A. The -- the bank.

12 I'm sorry. No, no, no. Yes, it was
13 the bank.

14 Q. And by virtue of the name Bank of
15 China, am I correct in understanding that that is
16 a China-based bank?

17 A. Yes.

18 Q. Any other work of that nature?

19 A. I worked, again, for a bank as an
20 expert for the bank in a case involving a charity
21 that was an Islamic charity that the bank exited a
22 relationship with.

23 Q. Was that a civil claim by victims of
24 terrorism against the bank?

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1 A. No.

2 Q. Okay. What was the nature of that
3 case?

4 A. It was the NGO itself. The banking
5 relationship was exited by the bank as a high-risk
6 customer, and they -- they determined they wanted
7 to exit the relationship.

8 Q. And do I infer from that that the
9 NGO then sued the bank?

10 A. Yes.

11 Q. And what was the nature of the claim
12 the NGO was making against the bank?

13 A. Discrimination.

14 Q. What was the name of the NGO?

15 A. I think it was Life For -- I don't
16 specifically recall. Life For something.

17 Q. What was the name of the bank?

18 A. Bank of America.

19 Q. Any others?

20 A. From a terrorist financing
21 standpoint, court-wise, no.

22 Q. What about not court-wise?

23 A. Yes. I worked for litigation
24 against [REDACTED].

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1 Q. [REDACTED] who was associated with
2 a group of nonprofit organizations in the Herndon,
3 Virginia area?

4 A. Yes.

5 Q. And [REDACTED] who was associated
6 with the SAAR Foundation?

7 A. Yes.

8 Q. Okay. And did you work for anyone
9 other than [REDACTED] in connection with that?

10 A. Well, it was basically [REDACTED] --
11 [REDACTED] case that I was engaged in and with the
12 umbrella would have been the SAAR Foundation or
13 Safa.

14 Q. Okay. Who paid you?

15 A. [REDACTED]

16 Q. Do you know where he got the money
17 from to pay you?

18 A. I assumed it was from -- from --
19 from -- from his own funds.

20 Q. Do you know that for a fact?

21 A. No.

22 Q. You were working on behalf of the
23 SAAR Foundation as well?

24 A. This is for with [REDACTED] -- it was

1 the SAAR Foundation defense team was involved, but
2 I was specifically working with [REDACTED] and [REDACTED]
3 attorney.

4 Q. Well, who were the targets of the
5 inquiry that the defense team were defending?

6 A. Primarily [REDACTED].

7 Q. What about any of the entities [REDACTED]
8 was associated with?

9 A. It dealt with the charges against
10 [REDACTED].

11 Q. Well, did it -- did the charges
12 against [REDACTED] have anything to do with his role
13 and relationships with a group of nonprofits --

14 A. Yes.

15 Q. -- in Herndon, Virginia?

16 A. Yes.

17 Q. And one of those was the SAAR
18 Foundation?

19 A. Yes.

20 Q. And there were others as well?

21 A. Yes.

22 Q. So the nature of work you were doing
23 concerned the allegations relating to that group
24 of entities, correct?

1 A. Correct.

2 Q. And you were serving in a capacity
3 helping the defense team?

4 A. Yes.

5 Q. And what attorney were you working
6 for?

7 A. Buddy Parker.

8 Q. And anyone besides Buddy Parker?

9 A. Primarily I worked with Buddy.
10 Nancy Luque was involved.

11 Q. And in addition to Buddy Parker and
12 Nancy Luque, was Steve Barentzen involved?

13 A. I believe Steve worked with, in some
14 capacity, Nancy.

15 Q. And what was the time period of that
16 engagement?

17 A. It would have been between 2005 and
18 2011. It was kind of recurring on and off.

19 Q. A six-year engagement in total?

20 A. Over a six-year period. It was -- I
21 would call it more of a limited engagement.

22 Q. Are you aware that the SAAR
23 Foundation and [REDACTED] were named defendants
24 in the civil litigation that's part of this 9/11

1 proceeding?

2 A. Yes.

3 Q. And did you work for Mirza in
4 connection with this litigation?

5 A. No.

6 Q. What about SAAR?

7 A. No.

8 Q. Any of the other entities that are
9 identified as having been associated with [REDACTED] in
10 Herndon, Virginia?

11 A. No.

12 Q. What was the nature of the inquiry
13 as to [REDACTED] that you were involved in?

14 A. It was the criminal charges against
15 him that were still pending in the Eastern
16 District of Virginia. And based on my experience
17 in the FBI, I was familiar with that case, I was
18 familiar with the execution of the search warrant,
19 and -- and so I knew the circumstances behind the
20 case.

21 I honestly believe [REDACTED] should not
22 have been charged.

23 Q. And the criminal investigation that
24 you were working on remained active in some

1 capacity throughout that period up to 2011 or so?

2 A. At least that time period, when it
3 was declined for prosecution.

4 Q. And were there any indictments?

5 A. In that case, no.

6 Q. And when you specify "in that case,"
7 why are you using that language?

8 A. Nothing specific. There were
9 indictments during the course of that case that
10 became associated with the case but were not
11 related. They were not directly involved in that
12 case.

13 The Eastern District charged an
14 individual. I don't recall his specific name. He
15 was charged with -- with being involved in an
16 assassination attempt or paying for an
17 assassination of an official in another country,
18 and that case got linked to the SAAR case and to
19 [REDACTED] case through in the Eastern District and
20 it shouldn't have been.

21 Q. Was that individual Abdurahman
22 Alamoudi?

23 A. Yes.

24 Q. And if I recall correctly, he was

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1 found to have been carrying a large sum of money
2 when reentering the United States from Libya?

3 A. Yes.

4 Q. And did Alamoudi have some
5 association with one of the nonprofit entities
6 associated with the Herndon group?

7 A. I believe so, yes.

8 Q. Do you recall what that was?

9 A. No.

10 Q. Was there also a prosecution of --
11 initiated against an entity called Mar-Jac
12 Poultry?

13 A. I believe Mar-Jac was one of the
14 companies, and [REDACTED] was involved in Mar-Jac.

15 Q. And do you recall whether or not
16 there was an indictment in Georgia?

17 A. I don't recall.

18 Q. Do you recall the approximate total
19 amount of compensation you received for working on
20 the [REDACTED] and SAAR Foundation-related criminal
21 investigation over that six-year period?

22 A. No, but it -- I would estimate no
23 more than 20,000, if that much.

24 Q. What were you billing by the hour?

1 A. Because [REDACTED] was paying, I was
2 billing a lower rate. I don't recall the specific
3 rate.

4 Q. And was your role in that capacity
5 to serve as a financial crime investigator for
6 [REDACTED]

7 A. No. It was a consultant to
8 provide -- provide Mr. Parker and -- and the legal
9 team with my perspective and my experience on the
10 case and help them in reviewing the charges and
11 things.

12 Q. When you say your perspective on the
13 case, are you talking about your perspective on
14 the case from the work you did at the FBI?

15 A. Based on my -- yes.

16 Q. And you left the FBI at the end of
17 2003?

18 A. Yes.

19 Q. And you then took an engagement
20 sometime thereafter to work for [REDACTED] and on
21 behalf of the associated entities?

22 A. Yes.

23 Q. And did you have exposure to aspects
24 of the investigation at the FBI?

1 A. During the time period I worked in
2 the FBI, yes. From the time I retired, absolutely
3 not.

4 Q. Okay. But part of your role working
5 for [REDACTED] and in relation to the SAAR Foundation
6 was to share with them perspectives you had based
7 on things you learned at the FBI?

8 MS. KOWNACKI: Objection.

9 THE WITNESS: Based on my
10 experience.

11 BY MR. CARTER:

12 Q. At the FBI?

13 A. Yes.

14 Q. And at the FBI you had exposure to
15 investigative details relating to the FBI's
16 investigation of [REDACTED]?

17 A. Yes.

18 Q. And did you have an employment
19 agreement with the FBI?

20 A. When I worked at the FBI, I
21 certainly did, yes.

22 Q. And do you know whether or not that
23 employment agreement placed any constraints on
24 your use of information you obtained during the

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1 course of your career at the FBI?

2 A. I didn't provide any information
3 from my investigative time at the FBI to [REDACTED].
4 When I retired from the FBI, all information that
5 I contained, especially anything that might have
6 been classified or confidential, remained at the
7 FBI.

8 Q. Well, you've said things about
9 information you obtained at the FBI in your report
10 in this matter, haven't you?

11 A. In terms of -- of information that
12 I'm aware of based on my experience, yes.

13 Q. I don't know what that means.
14 You've made representations in your
15 expert report about --

16 A. Show me where.

17 Q. Okay. We will. We will.

18 Did you have any contact with [REDACTED]
19 [REDACTED] when you were at the FBI?

20 A. No.

21 Q. Do you know whether any agents of
22 the FBI had contact with [REDACTED] unrelated to
23 the criminal investigation?

24 A. During what time period?

1 Q. At any point before 2003.

2 A. No, I don't know of any contacts. I
3 knew that he was being investigated as part of the
4 SAAR Foundation.

5 Q. Do you know whether [REDACTED] ever
6 provided information to the FBI on other
7 investigations?

8 A. Not to my knowledge.

9 Q. Do you know whether he was ever a
10 source of any kind for the FBI?

11 A. No.

12 Q. What about anyone else associated
13 with the Herndon, Virginia charities?

14 A. No, I don't have any knowledge of
15 that.

16 Q. And I'm just trying to understand
17 what you were -- what you were doing for

18 [REDACTED]

19 You were just providing your
20 perspective from your experience at the FBI on the
21 case that was brought against him?

22 MS. KOWNACKI: Objection.

23 Form of the question.

24 You can answer.

1 THE WITNESS: Yes.

2 BY MR. CARTER:

3 Q. Did you review any documents?

4 A. My background in that case was
5 during the run-up to -- when I started the
6 Terrorist Financing Operations Section in the FBI,
7 one of the things that we did was, I had agents
8 assigned to looking at as one of the areas we were
9 going after when we were looking at the scope of
10 terrorist financing because terrorist financing
11 hadn't been investigated consistently before.

12 So one of -- one of the things that
13 we were doing was assigning teams to look at as
14 many -- identify as many cases as we could where
15 terrorist financing was -- was involved and bring
16 that together to see what we needed to do going
17 forward in terms of investigations. So that was
18 one of the things.

19 So in there, I became aware of that
20 case. And then going forward, I was aware that
21 the case was declined for prosecution in the
22 Eastern District of New York -- I mean, in New
23 York -- in the Eastern District of Virginia.

24 Then when legacy Customs who became

1 Homeland Security started Operation Green Quest,
2 Operation Green Quest had the SAAR Foundation case
3 reopened, and it became their pivotal case and
4 they -- they -- predication for reopening it was
5 the income tax charges.

6 So the charges against -- the
7 traditional charge -- traditional is a bad word --
8 but the charges that were preexisting about the
9 SAAR Foundation, about the SAAR Foundation's
10 potential or the money that -- that they were
11 alleged to have provided to terrorist
12 organizations, that case was declined for
13 prosecution.

14 Customs had it reopened with the
15 predicate of income tax charges, and they reopened
16 it and brought the income tax into that case. And
17 they began to investigate it again, which led to
18 the search warrant that was executed in -- in --
19 in Herndon against a number of those entities and
20 individuals.

21 At the time, we were working in
22 cooperation with Operation Green Quest. They
23 started their task force after we had started the
24 Terrorist Financing Operations Section, and -- and

1 we had an agent working as a liaison agent in
2 their task force. They had an agent assigned to
3 our task force. We agreed that we would assist in
4 the execution of the search warrant. So I had
5 agents assigned to that.

6 In the run-up to that, I looked at a
7 lot of things. I looked at the facts. I looked
8 at the -- the affidavit for the search warrant. I
9 looked at the planning that was in place and I
10 decided -- I made the decision -- and rightfully
11 so -- that -- that -- that there wasn't -- the
12 case wasn't there.

13 Q. So --

14 A. That I didn't agree with the -- or
15 there were inconsistencies. I pulled the FBI
16 resources and -- and made a point that we weren't
17 going to be involved in that investigation.

18 Q. So we'll try to work through all of
19 that in a relatively clean way in a minute.

20 What I had asked was: What specific
21 service and benefit were you providing to [REDACTED]
22 [REDACTED] when you served as a consultant to his
23 criminal defense team?

24 And I understand from your prior

1 answer that you weren't principally involved in
2 reviewing the actual documents that concerned the
3 investigation; is that correct?

4 MS. KOWNACKI: Objection.

5 Form of the question.

6 You can answer.

7 THE WITNESS: Yes.

8 BY MR. CARTER:

9 Q. So you just mentioned that the
10 investigation as opened was a tax-related
11 investigation, correct?

12 A. Yes.

13 Q. So it involved allegations of
14 improprieties in financial dealings related to
15 possible tax evasion?

16 A. Yes.

17 Q. You were not involved in reviewing
18 the actual financial records to address the tax
19 evasion issues, were you?

20 MS. KOWNACKI: Objection.

21 You can answer.

22 THE WITNESS: Yes, I wasn't.

23 BY MR. CARTER:

24 Q. You was not? You were not?

1 A. Right. Right.

2 Q. Okay. So, again, what was [REDACTED]
3 paying you to do?

4 A. Just to provide consulting with
5 and -- and consulting.

6 Q. To provide consulting with --

7 A. Yeah.

8 Q. -- regard to a criminal
9 investigation --

10 A. Right.

11 Q. -- in which you were directly
12 involved when you were at the FBI?

13 MS. KOWNACKI: Objection.

14 THE WITNESS: I wasn't
15 directly involved.

16 I was involved to the extent
17 that I had resources assigned to the
18 case. I reviewed the -- the search
19 warrants, and I interacted with Marcy
20 Forman, who was the head of Operation
21 Green Quest, in trying to establish the
22 plans and what -- what they were trying
23 to accomplish in their investigation.

24 And I saw it as a potential

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1 liability for our agents. I saw it as a
2 danger for our agents and, therefore, I
3 had the FBI pulled out of that.

4 BY MR. CARTER:

5 Q. Well, you must have been
6 sufficiently involved, based on your answer --

7 A. Yeah.

8 Q. -- to have assessed what the
9 evidence was, correct?

10 A. Right.

11 MS. KOWNACKI: Objection.

12 BY MR. CARTER:

13 Q. So you were involved at the FBI in
14 the sense --

15 A. Right.

16 Q. -- that you had direct access to the
17 evidence that had been collected in support of the
18 investigation, right?

19 MS. KOWNACKI: Objection.

20 You can answer.

21 THE WITNESS: I had access to
22 the -- the legal documents. I didn't
23 have hands-on access to any documents or
24 any evidence.

1 BY MR. CARTER:

2 Q. What -- what -- what materials did
3 you have access to?

4 A. The only material I had access to
5 that I saw directly was the search warrant.

6 Q. And am I correct that you directed
7 your agents to cease participating in the
8 investigation based on the review solely of that
9 search warrant?

10 A. No. It was based on the prior
11 declination. The fact that the investigation was
12 predicated, reopened on the tax -- tax charges,
13 briefings I was getting from my people that were
14 assigned over there, and there were -- there were
15 just a number of things that were -- were wrong
16 with that situation. And I deemed it appropriate
17 to pull our folks out.

18 Q. But as I understand your testimony,
19 you did not personally review the evidence that
20 had been collected in support of the
21 investigation; is that correct?

22 A. Correct. I was aware that based on
23 prior evidence that had been collected the case
24 was declined for prosecution.

1 Q. Well, the Eastern District of
2 Virginia U.S. Attorney's Office continued to be
3 involved in the investigation thereafter, correct?

4 A. Correct.

5 Q. So at some point, the United States
6 Attorney's Office for the Eastern District of
7 Virginia agreed to continue the investigation
8 after the 2002 period, right?

9 MS. KOWNACKI: Objection.

10 You can answer.

11 THE WITNESS: Correct.

12 BY MR. CARTER:

13 Q. And the criminal investigation
14 continued, right?

15 A. Correct.

16 There was never a prosecution. The
17 case was declined for prosecution again.

18 Q. And that was a criminal prosecution,
19 right?

20 A. Yes.

21 MR. CARTER: I'm just trying
22 to find the right page of your report.

23 The section of your report
24 that primarily addresses this is on

1 page 33.

2 And if we can, let's mark
3 Mr. Lormel's report as Lormel 2.

4 And that is at Tab 2, I think,
5 Gina.

6 (Document marked for
7 identification as Lormel Exhibit 2.)

8 MS. KOWNACKI: And, Sean,
9 before we go forward, he had some small
10 corrections to his report if you want to
11 introduce the report.

12 MR. CARTER: It's been
13 introduced.

14 MS. KOWNACKI: Yeah. So do
15 you want to talk about -- can he talk
16 about those now?

17 MR. CARTER: Well, do they
18 concern this specific section?

19 MS. KOWNACKI: It's a small
20 edit on that page.

21 BY MR. CARTER:

22 Q. Okay. Sure. You can tell me what
23 the edit is on that page.

24 MS. KOWNACKI: I may have a

1 copy of the pages with corrections we can
2 give you.

3 MR. CARTER: Okay.

4 MS. KOWNACKI: We will issue a
5 formal errata later, but for purposes of
6 precision in explaining the corrections.

7 (Hands document).

8 BY MR. CARTER:

9 Q. Mr. Lormel, is the discussion on
10 page 33 the principal section of your report
11 addressing the investigation of the SAAR
12 Foundation in Northern Virginia?

13 A. Yes. Excuse me.

14 Q. And --

15 A. May I just?

16 The -- you're looking at the
17 corrected page where, and then there's a minor
18 correction there where I said in the report that
19 you are working from 2002, and it was either in
20 2001 or early 2002 that case was declined.

21 Q. And so in your report, you
22 specifically reference the initial declination to
23 prosecute by the U.S. Attorney's Office in the
24 Eastern District of Virginia in 2001 or early

1 2002, right?

2 A. Yes.

3 Q. Do you anywhere note that the U.S.
4 Attorney's Office in the Eastern District of
5 Virginia continued the investigation thereafter?

6 A. Yes. I believe below that in
7 October 2001 I have the Green Quest here, but let
8 me look.

9 They reopened -- "Operation Green
10 Quest used an alleged income tax violation as a
11 predicate offense to reopen the previously-closed
12 investigation into the Northern charities into the
13 Northern Virginia charities."

14 Q. You don't anywhere indicate how long
15 that investigation continued to remain open, do
16 you?

17 A. Not in this report, no.

18 Q. And you don't anywhere in this
19 report acknowledge the involvement of the U.S.
20 Attorney's Office in the Eastern District of
21 Virginia in that ongoing investigation, do you?

22 A. No, I don't.

23 Q. And do you mention anywhere in this
24 report your role as a consultant for [REDACTED] and the

1 SAAR Foundation?

2 A. No.

3 Q. Don't you agree that it is highly
4 relevant to the court's assessment of your role
5 now serving as an expert in relation to Al Rajhi
6 Bank?

7 MS. KOWNACKI: Objection.

8 You can answer.

9 THE WITNESS: No, it had
10 nothing to do with the Al Rajhi Bank.

11 BY MR. CARTER:

12 Q. Well, you're aware and specifically
13 address in your report opinions Mr. Winer offers
14 concerning the significance of the SAAR Foundation
15 to the claims against Al Rajhi Bank, right?

16 MS. KOWNACKI: Objection to
17 the form of the question.

18 THE WITNESS: Could you
19 repeat that?

20 BY MR. CARTER:

21 Q. You're aware that Mr. Winer's
22 report, to which you're responding, includes
23 opinions concerning the significance of the SAAR
24 Foundation in the USA to the claims against Al

1 Rajhi Bank, aren't you?

2 MS. KOWNACKI: Object.

3 THE WITNESS: Yes.

4 MS. KOWNACKI: You can answer.

5 THE WITNESS: Yes.

6 BY MR. CARTER:

7 Q. So you're aware that the SAAR
8 Foundation has been cited as relevant to the
9 claims against the bank, correct?

10 MS. KOWNACKI: Objection.

11 You can answer.

12 THE WITNESS: Yes.

13 BY MR. CARTER:

14 Q. And your report doesn't say anything
15 at all about your role having worked for a number
16 of years for the SAAR Foundation and [REDACTED]?

17 MS. KOWNACKI: Objection.

18 You can answer.

19 THE WITNESS: Please repeat
20 that.

21 BY MR. CARTER:

22 Q. You agree that your report doesn't
23 say anything about your work -- your role working
24 for approximately six years as a consultant to

1 [REDACTED] and the SAAR Foundation?

2 A. You frame that as if I had worked a
3 considerable amount of time on that case, and it
4 wasn't.

5 Q. I'm not saying how much time you
6 worked or not.

7 I'm saying that you had a consulting
8 relationship --

9 A. Yes.

10 Q. -- with [REDACTED] and the SAAR
11 Foundation?

12 A. Right.

13 MS. KOWNACKI: Objection. I
14 don't believe he said that he worked for
15 the SAAR Foundation.

16 THE WITNESS: Right.

17 BY MR. CARTER:

18 Q. Well --

19 A. I was engaged by [REDACTED] in that case.

20 MR. CARTER: Let's take a look
21 at the letter at Tab 28 and mark that as
22 the next exhibit.

23 (Document marked for
24 identification as Lormel Exhibit 3.)

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1 BY MR. CARTER:

2 Q. This is a letter that was submitted
3 to the court in the 9/11 multidistrict litigation
4 by attorney Steven Barentzen on behalf of an
5 individual named Jamal Barzinji.

6 Do you know who Dr. Jamal Barzinji
7 is?

8 A. Yes.

9 Q. And were you working on his behalf
10 in relation to your engagement with [REDACTED]?

11 MS. KOWNACKI: Objection.

12 You can answer.

13 THE WITNESS: I remember his
14 involvement. I don't recall.

15 Again, I was working for
16 [REDACTED] and Barzinji was part of that
17 case.

18 BY MR. CARTER:

19 Q. If you look at Footnote 8 on page 11
20 of this filing, it says:

21 "In March 2010, the government
22 returned another 300 plus boxes of documents taken
23 during the searches. Those boxes are in the
24 possession and custody of Dennis Lormel, a

1 consultant for Mar-Jac Poultry supervised by
2 Mr. Parker."

3 Do you see that?

4 A. Yes.

5 Q. And were you a consultant for
6 Mar-Jac Poultry?

7 A. With [REDACTED]. [REDACTED] -- Mar-Jac was
8 [REDACTED] company.

9 Q. So --

10 A. And I acted as the custodian in that
11 particular case at the office. I maintained, I
12 accepted the -- the return of the documents and
13 made sure that they were in locked storage.

14 Q. So the representation here that, in
15 addition to being a consultant to [REDACTED], you
16 were also a consultant to Mar-Jac Poultry,
17 correct?

18 A. Yes.

19 MR. CARTER: And if we can
20 mark as the next exhibit the deposition
21 transcript at Tab 27.

22 (Document marked for
23 identification as Lormel Exhibit 4.)

24 BY MR. CARTER:

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1 Q. Mr. Lormel, this is a deposition
2 transcript that was filed in the Life For Relief &
3 Development v. Bank of America case.

4 Is that a case that you testified
5 earlier you were involved in?

6 A. Yes.

7 Q. And were you deposed in that matter?

8 A. Yes.

9 Q. And turning to pages 12 and 13, it
10 includes questioning concerning your role for the
11 Herndon, Virginia entities.

12 And you were asked:

13 "Have you ever been asked to provide
14 an expert opinion regarding nonprofit
15 organizations as a consultant?"

16 And you responded:

17 "I've had another case where I've
18 been retained that involved a nonprofit -- or a
19 group of nonprofits and some Islamic principals."

20 Do you see that?

21 A. Yes.

22 Q. And that was you were testifying
23 truthfully there?

24 A. Yes.

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1 Q. And you were asked when you were
2 retained, and it says that that would have been in
3 2004.

4 Does that sound correct?

5 A. It sounds correct.

6 Q. And you actually --

7 A. It's actually 2005, though.

8 Q. You believe it was actually 2005?

9 A. I believe so, yeah.

10 Q. What time frame in 2005?

11 A. It would have been early. Late
12 2004/early 2005.

13 Q. And you left the FBI in late 2003?

14 A. Yes.

15 Q. So it would have been close --

16 A. 2005.

17 Q. -- to a year after you left?

18 A. Yes.

19 Q. And you were asked who you were
20 retained by, and it says:

21 "By the two principals and SAAR
22 Foundation."

23 Do you see that?

24 A. Okay. Yeah.

1 Q. So is it correct that you were
2 retained by the two principals and the SAAR
3 Foundation?

4 A. Yeah, I guess.

5 My -- my interactions were with
6 [REDACTED] They certainly all.

7 Q. This testimony --

8 A. Yeah.

9 Q. -- occurred about nine years ago,
10 right?

11 A. Can I see the date on it?

12 Q. Yeah, it's right at the top?

13 A. You have the date on the front?

14 I don't see it here.

15 Q. Sorry. There you go.

16 A. Okay. Yeah.

17 Q. About nine years ago?

18 A. Yeah.

19 Q. Fair to say that your recollection
20 of this consulting role would have been a bit
21 fresher at that time?

22 A. Yes.

23 Q. And again at that time, you
24 testified that you were retained by the two

1 principals and the SAAR Foundation, right?

2 A. Correct.

3 Q. And you identified the two
4 principals as [REDACTED] and another person,
5 Dr. Barzinji?

6 A. Right. Again, my interactions are
7 with [REDACTED].

8 Q. When you were at the FBI, were you
9 opposed to the involvement of Customs in taking
10 the lead in terrorism investigations?

11 A. Was I opposed to it? No.

12 Q. Did you believe that such
13 investigation should be conducted only under the
14 leadership of the FBI?

15 A. What I believed was that terrorist
16 financing was a component of terrorism and needed
17 to be coordinated very closely. The FBI had
18 primary jurisdiction in counterterrorism. So I
19 believed that whoever was working terrorist
20 financing needed to coordinate it very closely
21 with the FBI.

22 Q. Do you recall giving an interview
23 with the 9/11 Commission?

24 A. I gave numerous interviews to the

1 9/11 Commission.

2 Q. Do you recall giving a briefing on
3 or about January 16, 2004?

4 A. Not specifically.

5 MR. CARTER: We're going to
6 mark as the next exhibit the document at
7 number 29, which is a Memorandum for the
8 Record of a formal interview of Dennis M
9 Lormel.

10 (Document marked for
11 identification as Lormel Exhibit 5.)

12 BY MR. CARTER:

13 Q. Do you know whether you've ever read
14 this Memorandum for the Record of your interview?

15 A. No.

16 Q. But you do recall giving interviews
17 with the 9/11 Commission?

18 A. Absolutely. I gave many -- I spent
19 many hours with them.

20 Q. Turning to page 9 of the document.

21 A. Let me just -- if you would go back
22 to the --

23 Q. Sure.

24 A. -- Page 1 for a second?

1 Q. Yes.

2 A. Okay. So Greenburg and Roth were
3 the people I dealt with quite extensively. They
4 were responsible for the terrorist financing,
5 Monograph for Terrorist Financing. Okay.

6 Q. So you're referring to Doug
7 Greenburg and John Roth?

8 A. Yes.

9 Q. And as I understand, you're saying
10 that they were staff members of the 9/11
11 Commission?

12 A. Yes.

13 Q. And they had a principal role in the
14 Staff Monograph on Terrorist Financing?

15 A. Yes.

16 Q. And on -- if we can on page 9, the
17 paragraph -- there's some redactions, but the
18 second paragraph that we can see indicates:

19 "Lormel flatly rejected any
20 suggestion that the FBI should not take the lead
21 on CTF" -- which I understand to be
22 counterterrorism financing -- "because other
23 agencies, such as Customs, Secret Service, and IRS
24 CID, have more financial investigative expertise.

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1 First, he said that the FBI has vastly superior
2 financial investigative expertise than Customs or
3 Secret Service."

4 It goes on to explain, and you end
5 with saying:

6 "There needs to be a multi-agency
7 coordinated approach, but it has to be under FBI
8 leadership because the FBI has the overall
9 counterterrorism responsibility."

10 Is that correct?

11 A. Yes. Yes.

12 Q. And you agree with all of that?

13 A. Yes.

14 Q. And that was your position at the
15 time you were at the FBI?

16 A. Yes.

17 Q. And the Operation Green Quest
18 investigation you're referring to, was that an
19 investigation that was being headed by the FBI?

20 A. No. The Operation Green Quest was
21 started by the Customs Service and involved
22 Customs and the IRS.

23 Q. And in your view, Customs and IRS
24 were intruding on the territory of the FBI?

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1 MS. KOWNACKI: Objection.

2 THE WITNESS: No.

3 Customs started Green Quest
4 after the FBI had established the
5 Terrorist Financing Operations Section.
6 Customs was disingenuous in how they
7 started that. They wanted control of
8 terrorist financing.

9 My position was that that
10 should have been part of the same task
11 force what they were doing.

12 So my objection to Green Quest
13 was different, not that they were running
14 it. If we had coordinated things -- and
15 at this point, when Green Quest was being
16 formed, Michael Chertoff was the
17 Assistant Attorney General in charge of
18 the criminal division.

19 And when we understood that
20 they were going to form Green Quest and
21 model it after what we were doing, our
22 position was, we should be joint and that
23 they should put their resources with our
24 resources and we have one task force and

1 it fall under the FBI supervision and --
2 and under the FBI leadership in the sense
3 that FBI had the counterterrorism lead.
4 And it was very important that terrorist
5 financing is a component of terrorism.

6 Operation Green Quest, they
7 set their model up to be unilateral, and
8 we'll work one case, you work another
9 case. That's wrong. That's absolutely
10 wrong, and it's counterproductive.

11 And they opened up that
12 particular case as the centerpiece for
13 Operation Green Quest.

14 So they were disingenuous in
15 the way they opened it up. They opened
16 it up with that motivation, and that was
17 my -- my experience in that whole thing.

18 I honestly believe that we
19 needed to have a multi-agency coordinated
20 approach, which we did. I opened up --
21 when we opened up the Terrorist Financing
22 Operations Section, we brought in every
23 agency. We opened ourselves up to the
24 international community and brought in

1 other countries to model their work after
2 what we were doing.

3 There's absolutely no question
4 that what we did was -- was the best
5 approach to doing that, and I make no
6 apology for that.

7 And at the end of the day,
8 Operation Green Quest -- because of the
9 conflicts that they caused -- was folded
10 back into or was supposed to be folded
11 into the Terrorist Financing Operations
12 Section through an agreement between the
13 Attorney General and the -- and the
14 director of Homeland Security, Tom Ridge
15 at the time, and that came right through
16 the White House and the National Security
17 Counsel.

18 So what we did was the right
19 thing and the right way to approach it.

20 BY MR. CARTER:

21 Q. You did not like what Operation
22 Green Quest was doing at the time structurally?

23 MS. KOWNACKI: Objection.

24 You can answer.

1 THE WITNESS: Not
2 necessarily. When we were able to
3 coordinate and when they worked in a
4 genuine fashion to do things the right
5 way, then I had no problem with that.

6 BY MR. CARTER:

7 Q. During that time period, did you
8 work at all with Stuart Levey?

9 A. Yes, I did.

10 Q. What was Stuart Levey's role?

11 A. At that time, Stuart -- a number of
12 people came into the Treasury Department -- I'm
13 sorry, Treasury. That was later on, he was
14 Treasury.

15 No, but at that time, Stuart was a
16 special advisor to either the Attorney General or
17 to -- to Michael Chertoff and he had a
18 responsibility on the terrorist financing side.

19 MS. KOWNACKI: John, can we
20 get a break?

21 MR. CARTER: Yeah. Sure.

22 MS. KOWNACKI: Thank you.

23 THE VIDEOGRAPHER: The time is
24 10:06 a.m. We're off the record.

1 (Recess.)

2 THE VIDEOGRAPHER: The time is
3 10:18 a.m. We are back on the record.

4 BY MR. CARTER:

5 Q. Mr. Lormel, before we took a break,
6 we were briefly discussing an individual named
7 Stuart Levey, who, I believe, had a role at the
8 Department of Justice during the time period --

9 A. Yes.

10 Q. -- that you were at the FBI dealing
11 with terrorism financing issues, correct?

12 A. Yes.

13 Q. And I believe you had interactions
14 with Mr. Levey?

15 A. Yes.

16 Q. How commonly?

17 A. Very -- we had frequent
18 interactions. He was -- Stuart was in the
19 position where he was responsible at the
20 department for terrorist financing, and I'm not
21 sure if he was under the Attorney General or
22 Deputy Attorney General or the criminal division,
23 or where else he sat, but what we had frequent
24 interactions when he came onboard.

1 Q. Did you have any interactions with
2 him concerning Operation Green Quest?

3 A. Yes.

4 Q. And did you have any interactions
5 with him at the time concerning the involvement of
6 Customs and Treasury in pursuing criminal
7 investigations?

8 MS. KOWNACKI: Objection.

9 You can answer.

10 THE WITNESS: Repeat that.

11 I'm sorry.

12 BY MR. CARTER:

13 Q. Well, did you have any interactions
14 with him concerning the propriety of Customs
15 operating through Green Quest in pursuing criminal
16 investigations?

17 A. Yes, but Stuart came in, and I'm not
18 sure if he joined the department after Green Quest
19 had been formed or at what point he got involved,
20 but it was after that. Because my initial
21 involvement was with Assistant Attorney General
22 Michael Chertoff about that.

23 I was at the meeting. When we heard
24 that Green Quest was going to be formed, Chertoff

1 was against it. He wasn't going to allow it.
2 Commissioner Bonner from Customs and Jimmy Gurulé,
3 the Under Secretary from Treasury, had a meeting.
4 We met at FBI headquarters. Myself, those two
5 gentlemen, and -- and Chertoff.

6 And Chertoff allowed them -- he
7 acquiesced and told them he would allow them to
8 form Green Quest. And Green Quest was set up very
9 similar to what we had, and Bonner's position was
10 that we would deconflict cases.

11 And I was totally opposed to that.
12 We should have been working together, not you work
13 one, I work one. That -- that's -- that's not a
14 good -- that's not a good mix.

15 And the other thing that I was
16 concerned about was, they wanted to work all their
17 cases unilaterally with no coordination, and if
18 they're going to work terrorist financing,
19 terrorist financing is a component of terrorism.
20 You have to work with the counterterrorism
21 division of the FBI. They had -- they had the
22 lead role in that. You know, from what I did in
23 terrorist financing, we coordinated everything
24 through the counterterrorism division.

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1 So it was clear, and ultimately
2 Green Quest was done away with because of that
3 type of conflict and -- and -- and the lack of
4 coordination the way we should have had it.

5 Q. So you were at the meeting where
6 Attorney General Chertoff had the discussion with
7 the head of Customs --

8 A. Yes.

9 Q. -- concerning the establishment of
10 Green Quest?

11 A. Yes.

12 Q. And going into that meeting,
13 Chertoff was opposed to the creation of Green
14 Quest?

15 A. Yes.

16 Q. Did you share his view?

17 A. Very much so, yes.

18 Q. So it's fair to say from the outset,
19 you were opposed to the creation of Green Quest as
20 Customs envisioned it?

21 A. Yes.

22 Q. And the investigation Green Quest
23 conducted of the Herndon-related charities,
24 including SAAR Foundation, was the signature

1 undertaking by Green Quest?

2 MS. KOWNACKI: Objection.

3 THE WITNESS: I viewed it
4 that way, yes.

5 BY MR. CARTER:

6 Q. And during the time that you were in
7 government, did you have interactions with an
8 individual named Juan Zarate?

9 A. Yes.

10 Q. And what was Juan Zarate's role
11 during the time that you were in government?

12 A. Juan worked for Jimmy Gurulé, who
13 was the Under Secretary for Enforcement in
14 Treasury, and Juan had some capacity under Jimmy
15 and he did a lot of Jimmy's bidding.

16 Q. Okay. Juan had a role on behalf of
17 Treasury with regard to terrorism financing?

18 MS. KOWNACKI: Objection.

19 THE WITNESS: Yes.

20 BY MR. CARTER:

21 Q. And am I correct that Juan Zarate
22 later went to work at the National Security
23 Council in the White House?

24 A. Yes.

1 Q. And in that capacity, was he the
2 first terrorism czar in the White House?

3 A. I don't believe he was the first,
4 but he -- he worked -- he worked in that capacity,
5 yes.

6 Q. Are you aware that Mr. Zarate wrote
7 a book concerning his experience at Treasury
8 called "Treasury's Wars"?

9 A. Yes.

10 Q. Okay. Have you read the book?

11 A. No.

12 Q. So you don't have an opinion on it?

13 A. No.

14 Q. Well, you're smirking, and we agreed
15 at the beginning of the deposition that if you had
16 information --

17 A. Yeah.

18 Q. -- responsive --

19 A. I --

20 Q. -- you would share with me. So.

21 A. I -- I -- I don't know necessarily
22 share Zarate's perspective on things. You know,
23 Zarate, he wrote on it based on his experience,
24 and -- and I don't necessarily agree with that.

1 That's -- that's all.

2 Q. Well, without having read the book,
3 what's the basis for disagreeing with what's in
4 the book?

5 A. I had heard from other sources, you
6 know, about -- about Juan's book and asked about
7 it, and I just didn't want to read it.

8 Q. Have you commented on the book
9 anywhere publicly?

10 A. Yes. I -- now, you just -- at one
11 point, I was asked, if I'm not mistaken now, which
12 I didn't recall, to -- to write -- to write a
13 review or -- or to write an opinion on -- on -- on
14 that, but I don't recall the circumstances.

15 MR. CARTER: If we can, I'd
16 like to just mark as the next exhibit the
17 section of the Zarate book at Tab 30.

18 (Document marked for
19 identification as Lormel Exhibit 6.)

20 BY MR. CARTER:

21 Q. And if we can just go to the page
22 208. And if we can go about a little beyond
23 halfway down the page, there's a paragraph that
24 begins "In particular."

1 And it says:

2 "In particular, Levey" -- referring
3 to Stuart Levey, who was then at the DOJ -- "had
4 never liked the Treasury's perceived intrusion
5 into the FBI's role as the lead on terrorism
6 investigations in the United States. The
7 existence of the Treasury law-enforcement
8 initiative Operation Green Quest, led by Customs
9 and assisted by the IRS-CID and the Secret
10 Service, had been a thorn in the side of the FBI.
11 The FBI did not like the competition and confusion
12 that a separate law-enforcement effort seemed to
13 create. With Green Quest moving aggressively on
14 cases against illegal money-service businesses,
15 charities of concern, and tax avoidance by suspect
16 individuals like Abdurahman Muhammad Alamoudi,
17 there was real competition in town. Levey heard
18 the complaints, and he didn't like the apparent
19 interference with the FBI or the potential crossed
20 wires on intelligence operations."

21 Did you have personal knowledge at
22 the time you were at the FBI of these issues?

23 A. Yes.

24 Q. And --

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1 A. So this -- you asked me before about
2 Zarate and the book. Zarate is providing his
3 perspective here. He describes it a certain way.
4 Maybe it's not that way.

5 Q. Well, do you disagree with the
6 description of what was going on at the time?

7 A. "The FBI did not like the
8 competition and confusion" with separate law
9 enforcement agencies.

10 It's not about the competition.
11 There shouldn't be any competition. The confusion
12 is the lack of coordination, which was their
13 fault. That's what I have a problem with.

14 Q. If we can --

15 A. And to another point here, if I may.

16 Where they talk about the success
17 he's having, the aggressive on cases of illegal
18 money-service businesses, what he fails to say in
19 here is how they stepped over and interfered in
20 counterterrorism investigations by doing some of
21 these things and -- and they -- they jeopardized
22 some classified information and operations.

23 And that's one of the things that
24 Stuart Levey was very concerned about because

1 Stuart and I collaborated very closely about that.

2 That context is not in his book.

3 Q. And then to be clear, when you left
4 the FBI in December 2003, within just a little
5 over a year you were working for the targets of
6 the investigation?

7 A. Over a year, yes.

8 Q. And if we can mark --

9 A. Well, you know, you say I was
10 working for them, as if I'm undermining the
11 government. That's not the case.

12 Q. Well, the role of the defense
13 attorneys you were working with was to try and
14 prevent the United States government from
15 successfully prosecuting them, right?

16 MS. KOWNACKI: Objection.

17 THE WITNESS: They were never
18 prosecuted because the evidence wasn't
19 there. The allegations against them were
20 never proven, and I went to work with
21 them because I felt and I believed
22 sincerely -- and I always believe in
23 doing the right thing -- that they should
24 have never been charged.

1 BY MR. CARTER:

2 Q. And were there transfers from the
3 entities associated with the Herndon, Virginia
4 nonprofits that went overseas?

5 A. I'm sorry. Can you repeat that,
6 please?

7 Q. Was -- was there money transferred
8 overseas by the Herndon, Virginia nonprofit
9 organizations?

10 A. I'm not --

11 MS. KOWNACKI: Objection.

12 THE WITNESS: I'm not
13 familiar with that.

14 MR. CARTER: Okay. If we can
15 mark as the next exhibit the document at
16 Tab 31.

17 (Document marked for
18 identification as Lormel Exhibit 7.)

19 BY MR. CARTER:

20 Q. This is a Washington Post article
21 from 2011 written by Michelle Boorstein.

22 Do you recall speaking to
23 Ms. Boorstein about the subject matter of this
24 article?

1 A. I don't recall.

2 Q. This concerns the investigation of
3 the Northern Virginia nonprofit organizations?

4 A. Okay.

5 Q. If we turn to I think what will be
6 page 4 of the PDF.

7 Referring to the raids that were
8 conducted, most of the way down it says:

9 "But even within the government, the
10 raids were controversial. Dennis Lormel, who
11 headed the FBI's terrorist financing operations
12 section at the time and is now a private
13 consultant, said he refused to let his agents
14 participate alongside those from U.S. Customs and
15 other agencies because he didn't believe the
16 evidence was strong enough."

17 You see that?

18 A. Yes.

19 Q. And then it goes on to quote you as
20 saying:

21 "'Unfortunately... the targets were
22 maligned by that investigation, and quite frankly
23 I think that investigation should never have
24 happened.'"

1 Do you see that?

2 A. Yes.

3 Q. And would you agree that -- that
4 those remarks were offered in relation to your
5 former role of the FBI's Terrorist Financing
6 Operations Section?

7 A. Yes.

8 Q. And did you disclose to the reporter
9 who interviewed you that you had been working for
10 targets of the investigation for a number of prior
11 years?

12 A. I don't recall.

13 Q. There's no indication in the media
14 report that you alerted the reporter addressing
15 these issues that you had a role working for them
16 as a consultant, is there?

17 MS. KOWNACKI: Objection. He
18 hasn't even read the whole.

19 MR. CARTER: He can read it.

20 THE WITNESS: With respect to
21 an interview like this, I wouldn't have
22 contacted the reporter. The reporter
23 would have contacted me and asked me if I
24 would speak about the topic.

1 You know, I wasn't pushing any
2 agenda. I was interviewed and I was -- I
3 was candid.

4 BY MR. CARTER:

5 Q. Well, in being candid, you don't
6 think it would have been appropriate to alert the
7 writer of the article about your involvement as a
8 consultant for the targets of the investigation
9 you were discussing?

10 A. It had nothing to do.

11 MS. KOWNACKI: Objection.

12 His --

13 THE WITNESS: We were talking
14 about my experience. My experience was
15 my experience regardless of what I was
16 doing with [REDACTED].

17 BY MR. CARTER:

18 Q. If we can just go back.

19 I believe you said and mentioned in
20 your report on page 33 that there was an affidavit
21 of a Customs official that was the predicate for
22 the investigation; is that right?

23 A. Where are you referring?

24 Q. Well, on page 33 you say:

1 "Based on the affidavit of a Customs
2 agent, search warrants were issued."

3 And then you go on to say that:

4 The investigation never found
5 sufficient evidence of the affidavit's allegations
6 to pursue criminal charges against SAAR
7 Foundation.

8 Correct?

9 A. Correct.

10 Q. Okay. And do you happen -- is that
11 the affidavit that you reviewed at the FBI when
12 you told your agents to stand down?

13 A. Yes.

14 Q. And was that an affidavit of David
15 Kane?

16 A. Yes.

17 Q. And was that essentially the
18 foundational predicate for the Operation Green
19 Quest investigation?

20 MS. KOWNACKI: Objection.

21 THE WITNESS: I don't believe
22 so. I don't recall.

23 BY MR. CARTER:

24 Q. Well, did it --

1 A. I don't recall.

2 Q. Sorry.

3 Did it essentially lay out the
4 theory of the case?

5 MS. KOWNACKI: Objection.

6 THE WITNESS: It laid out --
7 the affidavit laid out the statement of
8 facts to support a search warrant.

9 BY MR. CARTER:

10 Q. And were the statement of facts
11 reflected in that search warrant the -- the basis
12 for the ongoing investigation that continued after
13 you left the FBI?

14 A. I don't know. I'm not sure.

15 Q. In connection with your role for
16 [REDACTED] and the SAAR Foundation as a consultant,
17 was the affidavit a relevant document?

18 MS. KOWNACKI: Objection.

19 Form.

20 THE WITNESS: I don't recall.
21 Honestly, I don't recall at this point.

22 MR. CARTER: If we can just
23 mark as the next exhibit the Kane
24 affidavit.

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1 (Document marked for
2 identification as Lormel Exhibit 8.)

3 BY MR. CARTER:

4 Q. Do you recognize this as the
5 affidavit that was the predicate for the search
6 warrant?

7 A. Yes.

8 Q. And if we can look at paragraph 111.

9 A. Do I need to?

10 MS. KOWNACKI: The tech should
11 be.

12 MR. CARTER: I'm not sure,
13 Gina, we --

14 MS. KOWNACKI: They're finding
15 the page.

16 BY MR. CARTER:

17 Q. Here you go.

18 And in paragraph 111, the author of
19 the affidavit, Mr. Kane, says:

20 "Based on my examination of
21 financial documents, correspondence, and
22 interviews with confidential witnesses, I believe
23 that the first members of Safa Group were
24 established in the early 1980's. I believe that

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1 one source of funds flowing through the Safa Group
2 is from the wealthy Al-Rajhi family in Saudi
3 Arabia. The SAAR Foundation, a Safa charity, was
4 named after Sulaiman Abdul Aziz Al-Rajhi."

5 Do you see that?

6 A. Yes.

7 MS. KOWNACKI: Objection.

8 BY MR. CARTER:

9 Q. And were you aware of this
10 information at the time you were working at the
11 FBI? And in particular I mean that the SAAR
12 acronym referred to Sulaiman Abdul Aziz Al Rajhi?

13 A. Yes.

14 Q. And that's something you were aware
15 of in connection with your work for [REDACTED]

16 A. Yes.

17 Q. If we --

18 A. So if I may add a little context
19 around this.

20 You've asked me about my feeling and
21 things about the case, and I've described that.

22 One of the contributing factors here
23 as to why I was concerned about that case was that
24 we were investigating, independent of this,

1 allegations about the Al Rajhi Bank, and we didn't
2 find any evidence that Al Rajhi through this
3 period had supported terrorism.

4 So this is inconsistent -- I was
5 concerned about the information that they were
6 using because we -- we couldn't substantiate
7 allegations that the Al Rajhi Bank funded
8 terrorism.

9 Q. So one of your particular concerns
10 with Green Quest was the connection to Al Rajhis?

11 A. No, that --

12 Q. Well --

13 A. No, no. Green Quest is totally
14 different. I'm talking about this search warrant.
15 I'm talking about their investigation and
16 allegations that ultimately include Al Rajhi Bank.

17 That was one of the things that when
18 you asked me and you framed here about my
19 resistance against this case, my resistance
20 against Green Quest, one of the factors to include
21 here is that we aside from that, independent of
22 that, had conducted very comprehensive
23 investigations, and we didn't find allegations
24 that supported Al-Rajhi being involved in

1 terrorist financing.

2 Q. And so just to be clear, you were
3 aware of the connection between SAAR and Sulaiman
4 Abdul Aziz Al Rajhi?

5 MS. KOWNACKI: Objection.

6 THE WITNESS: Yes.

7 BY MR. CARTER:

8 Q. And you were aware of the connection
9 between Sulaiman Abdul Aziz Al Rajhi and Al Rajhi
10 Bank?

11 MS. KOWNACKI: Objection.

12 THE WITNESS: Yes.

13 BY MR. CARTER:

14 Q. And if we can just go back to the
15 deposition testimony that we marked earlier from
16 the case against Bank of America.

17 And on page 13 you were talking
18 about the investigation, and you said that "there
19 were related charities under the umbrella of the
20 SAAR Foundation, S-A-A-R."

21 And the attorney questioning you
22 asked:

23 "What does that stand for?"

24 And you said:

1 "I'm not sure what the acronym
2 stands for."

3 A. And at that point in time, I wasn't.

4 Q. So after the direct involvement at
5 the FBI where you were specifically concerned
6 about the intersection between the Herndon,
7 Virginia investigation and the FBI's investigation
8 of Al Rajhi Bank, and after working as a
9 consultant for [REDACTED] for years in relation to the
10 investigation, you had forgotten that SAAR stood
11 for Sulaiman --

12 A. During the questioning --

13 Q. -- Abdul Aziz --

14 A. During that --

15 Q. -- Al Rajhi?

16 MS. KOWNACKI: Objection.

17 THE WITNESS: I'm sorry. Go
18 ahead finish.

19 BY MR. CARTER:

20 Q. That's the end of my question.

21 A. At that particular point in time
22 when I was asked that specific question, I didn't
23 recall.

24 Q. Are you aware that Abdullah Al Rajhi

1 has testified in this case?

2 A. I don't recall.

3 Q. Okay. And do you know whether any
4 of the incorporation documents associated with
5 entities under the SAAR Foundation umbrella had
6 manipulated the names of Al Rajhi family members?

7 MS. KOWNACKI: Objection.

8 THE WITNESS: No.

9 BY MR. CARTER:

10 Q. Do you know whether any efforts were
11 taken by the Al Rajhi family members themselves to
12 obscure their involvement in the Herndon, Virginia
13 entities?

14 MS. KOWNACKI: Objection.

15 THE WITNESS: No.

16 BY MR. CARTER:

17 Q. You have referenced the fact that,
18 in your view, the FBI investigation of Al Rajhi
19 Bank had not established sufficient proof of its
20 involvement in terrorist financing, correct?

21 MS. KOWNACKI: Objection.

22 THE WITNESS: Yes.

23 BY MR. CARTER:

24 Q. Just before I go on to that, your

1 report includes the detail that the prosecutor in
2 the Eastern District of Virginia declined
3 prosecution in 2002, correct?

4 A. Yes, but I'm not sure if it was 2002
5 or earlier. Around 2002.

6 Q. And that would have been based on an
7 interaction between the FBI and the U.S.
8 Attorney's Office in the Eastern District of
9 Virginia?

10 A. Yes.

11 Q. And that would have been a
12 conversation where the FBI presented evidence to
13 the U.S. Attorney's Office to decide whether to
14 prosecute?

15 MS. KOWNACKI: Objection.

16 THE WITNESS: I believe there
17 was an ongoing investigation. I don't
18 know at what point. I don't know if it
19 was presented at that point. I believe
20 they were working on an investigation
21 that was ongoing, and at some point it
22 was declined for prosecution.

23 BY MR. CARTER:

24 Q. And are discussions between the FBI

1 and a U.S. Attorney's Office about whether to
2 prosecute a party typically matters of public
3 release?

4 A. No.

5 MS. KOWNACKI: Objection.

6 BY MR. CARTER:

7 Q. Those are private matters?

8 A. I'm sorry?

9 Q. Those are private matters?

10 MS. KOWNACKI: Objection.

11 THE WITNESS: That's the
12 policy of the U.S. Attorney's Office.
13 They don't -- they generally do not make
14 an announcement about declination. It
15 would be they decline prosecution, and
16 the FBI would follow up to corroborate
17 that with a declination letter to -- to
18 the attorney so that we could document in
19 our file that they had declined
20 prosecution. That was our way of -- of
21 documenting the declination.

22 BY MR. CARTER:

23 Q. And prior to the issuance of your
24 report in this matter, are you aware of any

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1 setting in which the Eastern District of Virginia
2 U.S. Attorney's Office's decisions in 2002 have
3 been disclosed publicly?

4 MS. KOWNACKI: Objection.

5 THE WITNESS: That case,
6 there may have been public disclosures,
7 not by the U.S. Attorney's Office, but in
8 media reports of Congressional testimony.

9 BY MR. CARTER:

10 Q. Do you know?

11 A. No, I don't specifically know.

12 Q. And your report discusses the views
13 of the sufficiency of the evidence to support a
14 prosecution, correct?

15 MS. KOWNACKI: Objection.

16 THE WITNESS: Where? Point
17 that out for me, please.

18 BY MR. CARTER:

19 Q. Apologies. It may be somewhere else
20 in your report.

21 Your report doesn't say why the U.S.
22 Attorney's Office in the Eastern District of
23 Virginia declined prosecution?

24 A. No, it does not.

1 Q. Okay. And any of the written
2 details about that decision would be housed in
3 either the files of the U.S. Attorney's Office or
4 the FBI?

5 MS. KOWNACKI: Objection.

6 THE WITNESS: Yes.

7 BY MR. CARTER:

8 Q. And do you know if those documents
9 exist?

10 A. No. I wouldn't know. I never saw
11 them.

12 Q. So do you know what the basis for
13 the U.S. Attorney's Office's decision to decline
14 prosecution in late 2001 or 2002 was?

15 A. They didn't have evidence to support
16 a prosecution.

17 Q. Okay. So you're testifying that --
18 that the decision was based on an assessed lack of
19 evidence.

20 Do you know whether or not the
21 government's views on the sufficiency of the
22 evidence has ever been the subject of a public
23 disclosure?

24 MS. KOWNACKI: Objection.

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1 THE WITNESS: I'm not aware.

2 BY MR. CARTER:

3 Q. What steps did you take before
4 authoring this expert report on behalf of Al Rajhi
5 Bank to determine whether the FBI viewed it as
6 appropriate to be discussing these matters in a --
7 in a public report?

8 MS. KOWNACKI: Objection.

9 THE WITNESS: I didn't
10 consult with the FBI, if you're asking me
11 that, no.

12 I didn't -- I didn't disclose
13 anything there in terms of sensitive
14 information or anything that was
15 confidential or classified.

16 BY MR. CARTER:

17 Q. Is this predicated on information
18 that came into your possession while you were in
19 the employ of the FBI?

20 A. That particular declination? Yes.

21 Q. Was the FBI aware during the late
22 2004 or early 2005 time period through 2011 or so
23 that you were engaged as a consultant on behalf of
24 the -- [REDACTED] and the SAAR Foundation?

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1 A. I wouldn't know.

2 Q. Did you ever advise the FBI that you
3 were taking on a role as a consultant to those
4 parties?

5 A. Clarify that for me, when you say
6 did I advise the FBI.

7 Q. Did you tell anyone at the FBI that
8 you were taking on a role as a consultant to [REDACTED]
9 or the SAAR Foundation in relation to ongoing
10 criminal investigations?

11 MS. KOWNACKI: Objection.

12 THE WITNESS: At the FBI and
13 at the Department of Justice, yes.

14 BY MR. CARTER:

15 Q. You did tell them?

16 A. Yes.

17 Q. Okay. You mentioned that your view
18 that there was never any evidence -- I don't want
19 to paraphrase.

20 A. Uh-huh.

21 Q. Is it your view that there was never
22 evidence that the SAAR U.S. entities were involved
23 in terrorist financing activities?

24 MS. KOWNACKI: Objection.

1 THE WITNESS: Could you
2 clarify that? Because I believe money
3 from the SAAR Foundation would have gone
4 to Sami Al-Arian's charity or his --
5 whatever his NGO was, and ultimately I
6 believe money from that went to Hamas.
7 That likely came from SAAR.

8 But the issue then is, was
9 SAAR witting. Did they provide money to
10 what they believed was a charity, or did
11 they provide money wittingly to support
12 terrorism. So you have a fine line
13 there.

14 We never could conclude --
15 well, at least on the Al Rajhi side --
16 that that was the case.

17 BY MR. CARTER:

18 Q. And when you say "we never could
19 conclude," you're talking about your experience at
20 the FBI up until you left in December of 2003?

21 A. Yes.

22 Q. Okay. And is it -- am I
23 understanding your testimony that there was money
24 from the SAAR Foundation that went to a charity

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1 associated with an individual named Sami Al-Arian?

2 A. I believe so. I don't know

3 directly, but I believe so, yes.

4 Q. And do you recall the name of the

5 charity associated with Sami Al-Arian?

6 A. No, I don't.

7 Q. Am I understanding your testimony to

8 be that the charity associated with Sami Al-Arian

9 was giving resources to Hamas?

10 A. I believe that's the case. I

11 believe Al-Arian was convicted.

12 MR. CARTER: If we can mark as

13 the next exhibit the document at Tab 17.

14 (Document marked for

15 identification as Lormel Exhibit 9.)

16 BY MR. CARTER:

17 Q. Mr. Lormel, this is a joint

18 assessment of the FBI and CIA of Saudi Arabian

19 Support to Terrorism and the Counterterrorism

20 Threat to the United States dated December 2004.

21 Are you familiar with this document?

22 A. Yes.

23 Q. And, in fact, I think you cite it in

24 one place in your report, correct?

1 A. Correct. Yes.

2 Q. And are you aware that this document
3 was signed off on by the heads of the CIA and the
4 FBI?

5 MS. KOWNACKI: Objection.

6 THE WITNESS: I'm sure it was
7 approved. I don't know that it was
8 approved specifically by the heads. It
9 would have been somebody below that, that
10 level, that would have approved it.

11 BY MR. CARTER:

12 Q. I believe there was an actual
13 transmittal letter --

14 A. Okay.

15 Q. -- signed by both of them but --

16 A. Okay.

17 Q. -- we'll look for that in a minute.

18 But this is an official product of
19 the CIA and FBI?

20 A. Yes.

21 Q. And if we can, just turn to page 24.

22 And, actually, before we get to that
23 the section, this section of the report, if we go
24 back to 21, is an appendix discussing Saudi

1 nongovernmental organizations with operations in
2 the United States.

3 Do you see that?

4 A. Yes.

5 MR. CARTER: And if we turn to
6 24, there's a reference here to the
7 Sulaiman Abdul-Aziz al-Rajhi Foundation.

8 Gina, we're a little further
9 down. In the heading, it's the "Sulaiman
10 Abdul-Aziz al-Rajhi Foundation." There
11 you go. Thank you.

12 BY MR. CARTER:

13 Q. You see this section of the report?

14 A. Yes.

15 Q. And it says:

16 "The Saudi Arabian-based al-Rajhi
17 family established the Sulaiman Abdul-Aziz
18 al-Rajhi Foundation in the 1980s to manage the
19 family's charitable contributions. SAAR is a
20 complex web of overlapping companies with parallel
21 ideologies, personal relationships, and financial
22 associations that has exhibited numerous
23 affiliations with entities known to support
24 terrorism. The SAAR Foundation, in concert with

1 its subsidiary companies, provided monetary
2 support and other assistance to organizations
3 linked to the Palestinian Islamic Jihad and
4 HAMAS."

5 Do you see that?

6 MS. KOWNACKI: Objection.

7 Sean, you skipped over the redaction.

8 MR. CARTER: I'm sorry. There
9 was a redaction.

10 THE WITNESS: Yes, I see it.

11 BY MR. CARTER:

12 Q. Okay. And this assessment of the
13 FBI and CIA issued a year after you left the FBI,
14 correct?

15 A. Correct.

16 Q. In your report -- and I think we've
17 discussed -- you talked about the investigations
18 that were conducted during the time that you were
19 at the FBI concerning Al Rajhi Bank.

20 Do you recall that?

21 A. Yes.

22 Q. And, again, those would have been
23 investigations that occurred prior to your
24 departure in December of 2003?

1 A. Yes.

2 Q. And were you personally involved in
3 those investigations?

4 MS. KOWNACKI: Objection.

5 Vague.

6 THE WITNESS: I was a senior
7 executive. I was responsible in having
8 those -- some of those initiated. I
9 wasn't the person who did the hands-on
10 work, but I was a hands-on leader and I
11 would have been very involved.

12 But if you're asking did I do
13 the specific groundwork? No.

14 BY MR. CARTER:

15 Q. Was there a specific FBI
16 investigation opened as to Al Rajhi Bank?

17 MS. KOWNACKI: Objection.

18 Vague.

19 THE WITNESS: So if I may
20 provide a little backdrop on that.

21 Immediately after 9/11 when we
22 started this, there was -- before 9/11,
23 there was no consistent terrorist
24 financing investigative entity in the

1 FBI.

2 Based on a position I had as
3 the head of the Financial Crimes Section,
4 I was in a position where I was able to
5 start that, and we put together then a
6 more consistent investigative approach.

7 But 9/11, the response to 9/11
8 was a number of things. It was the
9 largest investigation ever conducted. It
10 involved an incredible number of
11 resources, and early on, 56 field offices
12 in the FBI -- we have 56 field offices
13 and overseas legats -- were all
14 instructed to conduct investigations, and
15 then they were going to be brought in to
16 be a centralized investigation.

17 I -- when I had the ability to
18 start the terrorist financing part of
19 that, I was doing the same thing.

20 So I'm sorry I'm being
21 long-winded, but I want to give you the
22 background here is that we set out as
23 many as leads as possible.

24 So there's not as if there's

1 one agent investigating or one analyst.
2 The entire Bureau is out there working
3 every allegation, and what I did is, I
4 assigned a few agents and analysts to
5 track that. And over time over that
6 first few months or year, we brought that
7 all in together, and -- and from that,
8 tried to consolidate in whatever was out
9 there.

10 So in terms of specific
11 investigations, I can't tell you
12 emphatically what was opened or what
13 wasn't opened.

14 I can tell you that
15 considerable resources went in there and
16 all of the known allegations involving Al
17 Rajhi and others would have at some point
18 been consolidated.

19 BY MR. CARTER:

20 Q. After 9/11, the FBI faced a massive
21 scope of investigation; is that correct?

22 A. Correct.

23 Q. And that included investigations
24 associated with trying to stop any potential

1 future attacks?

2 A. Absolutely. That was one of the top
3 priorities.

4 Q. That included investigations
5 directly related to the financial trail of the
6 hijackers?

7 A. Yes.

8 Q. And I believe you were personally
9 involved in that?

10 A. Yes.

11 Q. And did you have a role in figuring
12 out how the tracking of the hijackers' bank
13 accounts and credit cards should be undertaken?

14 A. I had direct involvement in that,
15 yes.

16 Q. And then there were a whole host of
17 allegations about involvement in providing support
18 to al-Qaeda as well?

19 MS. KOWNACKI: Objection.

20 THE WITNESS: Yes.

21 BY MR. CARTER:

22 Q. And so the scope of the potential
23 areas of inquiry, would you agree, was massive?

24 A. Extremely massive, yes.

1 Q. And a lot of that work remained
2 ongoing after you left the FBI, right?

3 A. Yes. The funding of 9/11, the
4 actual funding for the 9/11 portion, that was --
5 we completed that early. Within months we had
6 identified the sources and everything.

7 That, I mean, the expansion
8 continued on for sure, but the funding piece for
9 9/11, that was pretty well known by the time I
10 left the FBI.

11 Q. But the investigation of the broader
12 sources of support to al-Qaeda continued for quite
13 sometime --

14 A. Oh, yes.

15 Q. -- after you left?

16 A. Yes.

17 Q. And the FBI investigation you're
18 referring to of Al Rajhi Bank, when do you recall
19 that becoming a focus of the FBI?

20 MS. KOWNACKI: Objection.

21 THE WITNESS: So immediately
22 after 9/11, when I got -- I think on
23 about 9/12, 9/13, I had the opportunity
24 to talk to the director and the deputy

1 director and told them we needed to have
2 a comprehensive financial investigation.
3 They agreed, and I took all of the
4 financial resources, and we started that
5 from -- from square one and -- and moved
6 forward.

7 And so the first weekend, the
8 Saturday of 9 -- after 9/11 -- and I
9 don't recall the date -- I had a meeting
10 at FBI headquarters with executives from
11 every government agency -- well, every
12 law enforcement agency and -- and
13 different other agencies with any nexus
14 to financial investigations -- and told
15 them we had to have a task force and we
16 needed to put all of our resources
17 together to work on that stuff.

18 Immediately the person who was
19 my counterpart or who became my
20 counterpart at the CIA, he and I agreed
21 that we needed to work together. And I
22 sent agents over there and he sent some
23 folks over to me.

24 And in our early -- somewhere

1 in that nascent relationship, he said to
2 me at one point that Al Rajhi Bank was
3 the bank of choice for al-Qaeda, and that
4 resonated with me.

5 As we got a little more
6 organized -- as you can imagine, it was
7 very chaotic. And as we got our arms
8 around things and started to get
9 organized, David Aufhauser from the
10 Treasury Department, who was -- excuse me
11 -- general counsel, we started a working
12 group.

13 There was a preexisting
14 working group, but it evolved into the
15 Policy Coordinating Committee For
16 Terrorist Financing.

17 Within that group, we had a
18 separate group which included myself,
19 Aufhauser, National Security Advisor, my
20 counterpart from the CIA. And, again, I
21 remember very early in those first few
22 days him saying Al Rajhi Bank was a bank
23 we had to look at.

24 I remember we decided we

1 needed to have a matrix of financial
2 targets, and he proffered Al Rajhi as a
3 bank of choice. So I immediately put
4 emphasis on that and had agents assigned
5 and told them, "I want you to find every
6 allegation we have against that bank and
7 let's -- let's run with that."

8 Because, as you pointed out,
9 one of the things we were very concerned
10 about was a second wave of attacks, and
11 what Director Mueller allowed me to start
12 and pull all the financial resources away
13 from the main investigation was, I
14 assured him that if there was a second
15 wave of attacks, it would be related to
16 the first wave and there would be a
17 financial connection and if we could get
18 that.

19 And he said, "How fast can you
20 finish that?" I said, "We can do that
21 within a few weeks," which we did.

22 So collateral to that, we were
23 looking at all these other pieces. So
24 that piece, the -- the Al Rajhi piece and

1 everything, was certainly secondary to
2 the immediate -- immediacy of the threat
3 environment of 9/11 and the continued
4 threats.

5 And so we were working all of
6 those, and in conjunction, we were trying
7 to compile a matrix. I believe there was
8 a TV program that came out around that
9 time about the Matrix, and they were
10 running around and that was really what
11 was going on.

12 Because the counterterrorism
13 side and the CIA's investigators -- I
14 would refer to them as the bullet and
15 bomb chasers -- were out literally
16 chasing bullets and bombs, and we were
17 just following the money, and so we were
18 able to do that.

19 And as, again, we continued
20 and as -- as we got some structure around
21 that whole terrorist financing apparatus
22 beyond TFOS, and I had heard those
23 continuing allegations, I prioritized the
24 investigation of Al Rajhi and I made sure

1 that we had that one consistent team.
2 But there was a lot of moving parts
3 around there, and we were consistently
4 trying to pull in whatever information.

5 And through that and
6 especially with the CIA reporting, I was
7 a consumer of that reporting, and -- and
8 those allegations that I would read. I
9 would make sure we were looking at all of
10 that and trying to prove or disprove
11 whatever we could.

12 BY MR. CARTER:

13 Q. Okay. You indicate in your report
14 that you "assigned a team of FBI Agents and
15 Intelligence Analysts to investigate potential
16 links between Al Rajhi Bank and terrorism."

17 How many people?

18 A. The initial? I would have initially
19 had probably one agent, one analyst. As time
20 progressed, that would have been at least two
21 agents and two analysts. But, again, every field
22 office, other components of the FBI were all
23 investigating leads, which would have included
24 leads involving Al Rajhi Bank. So there were

1 other agents out there.

2 So as I believe in the report, we
3 just -- you just showed the joint report, the CIA
4 joint report with the FBI. I think an FBI
5 contribution to that report they were talking
6 about Terrorist Financing Operations Section.
7 They talked about the task force we set up in
8 Saudi Arabia. They talked about the Washington
9 field office investigation.

10 And so you had -- so I'm -- it's
11 difficult to answer that question in terms of, I
12 assigned -- at some point, there were at least two
13 agents and two analysts, sometimes probably more.
14 But around that, there were other agents who were
15 conducting investigations, which would have
16 crossed over and overlapped with that, and we
17 would have been pulling or attempting to pull --
18 and I hope we did -- all that information into
19 what we were doing.

20 Q. And the two agents and analysts that
21 you assigned to Al Rajhi Bank, were they working
22 on other things?

23 A. Yes.

24 Q. And did the two agents or analysts

1 produce any written product that you reviewed?

2 A. I don't recall. We would have had
3 records and -- and -- but as we sit here, I can't
4 specifically recall what was -- what was produced.

5 Q. Do you know whether Al Rajhi Bank
6 was ever designated as a subject of an FBI
7 investigation?

8 A. Specifically? I -- I don't recall
9 because what I would consider what we were doing
10 as more as a preliminary investigation, and I
11 don't know that we ever got past that preliminary
12 stage to say that -- that there was predication
13 for -- for a full field investigation.

14 But, again, it was so chaotic back
15 in those days, and we were going. Al Rajhi was
16 one piece of an incredible portfolio.

17 Q. So as I understand your testimony,
18 during the time that you were at the FBI, the
19 investigation of Al Rajhi Bank was still in its
20 preliminary stages?

21 A. We conducted considerable
22 investigation. Preliminary in the sense that we
23 never were able to -- to get a lot of evidence or
24 predication of -- of any wrongdoing.

1 Again, we would look at those
2 allegations, and we couldn't prove or disprove. A
3 lot of that was very circular, and it would keep
4 coming back and, you know, once a lot of these
5 allegations are out there, in some instances you
6 can disprove them. In a lot of instances, you
7 can't prove or disprove. You know, you just can't
8 prove it. And in some instances, it doesn't make
9 sense.

10 Q. Just to understand --

11 A. Or it's not reasonable. Yeah.

12 Q. Mr. Lormel --

13 A. Yeah.

14 Q. -- with respect, this is an expert
15 report. You've authored --

16 A. Yes.

17 Q. -- the report.

18 A. Yes.

19 Q. And you've told the court that there
20 was this investigation that you tasked people to
21 work on --

22 A. Right.

23 Q. -- about Al Rajhi Bank.

24 A. Right.

1 Q. And you've told the court that it
2 was unable to develop evidence to establish the
3 wrongdoing --

4 A. Right.

5 Q. -- correct?

6 A. That's correct.

7 Q. That's your testimony.

8 Don't you think it's fair for the
9 court to understand what the scope of the
10 investigation was and what was and was not done?

11 MS. KOWNACKI: Objection.

12 THE WITNESS: We -- as I
13 said, we identified allegations and, you
14 know, we would investigate those
15 allegations. That's -- that's what we
16 had done.

17 BY MR. CARTER:

18 Q. And then --

19 A. It's difficult because a lot of that
20 is recurring. So, you know, you just continue to
21 run with them. Investigations like that are very
22 reactive, you know, and we work in a situation
23 when you're dealing with financial crimes,
24 terrorist financial money laundering, we're

1 inherently reactive. So it's very difficult, very
2 difficult challenge.

3 Q. During the time that you were there,
4 the FBI did not disprove allegations that Al Rajhi
5 Bank was involved in financing terrorism, did it?

6 MS. KOWNACKI: Objection.

7 THE WITNESS: I think there
8 were some that were disapproved, but
9 overall we couldn't prove or disprove.

10 BY MR. CARTER:

11 Q. Okay. And the investigations of Al
12 Rajhi Bank continued after you left the FBI?

13 A. I would -- I would think so, yes.

14 Q. And during the time that you were at
15 the FBI, did the FBI have access to internal Al
16 Rajhi Bank account documents relating to suspect
17 charities?

18 A. We may have. We -- we would have
19 interacted -- well, we would have -- we did
20 interact with SAMA and other central banks around
21 the world, and so the agents, we would have had
22 agents who had gone to Saudi Arabia.

23 When we started that Terrorist
24 Financing Task Force with the Saudis, I believe

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1 there was an FBI and an IRS agent that were
2 assigned there. So we did have agents going. I
3 can't specifically say what was or wasn't
4 reviewed, but it's likely that we did have some
5 access.

6 Q. Some access to what?

7 A. To records of Al Rajhi through SAMA.

8 Q. Are you sure of that?

9 A. No.

10 Q. The joint task force that you're
11 referencing, that was a joint task force formed
12 between the United States and Saudi Arabia?

13 A. Yes.

14 Q. And when did that get up and
15 running?

16 A. 2002 I believe.

17 Q. I'm going to represent to you that
18 the Staff Monograph on Terrorist Financing says it
19 began to do its work in the fall of 2003.

20 A. Okay.

21 Q. Okay. And so --

22 A. When we say we formed that, the
23 formation began. Believe me, that was a very long
24 and arduous process.

1 Q. Well, you cite the work --

2 A. Yeah.

3 Q. -- of the joint task force in your
4 report --

5 A. Okay.

6 Q. -- as a predicate for some of your
7 opinions, don't you?

8 A. Show me. I don't know that I said
9 that.

10 Q. "As stated earlier, the
11 investigative team could not substantiate
12 allegations involving Al Rajhi Bank. This
13 included the investigations conducted through the
14 U.S.-Saudi Joint Terrorist Financing Task Force --
15 a Task Force which I helped establish to examine
16 certain customer accounts believed to be used for
17 terrorism at Al Rajhi Bank. This Task Force
18 initiated 'more than 100 investigations on
19 individuals and entities suspected of criminal,
20 intelligence related, and terrorism related
21 activity."

22 Do you see that?

23 A. That was one of the corrections we
24 made in there.

1 Q. And you say in addition to the task
2 force, the Washington field office of the FBI
3 initiated more than 100 investigations?

4 A. Yes. Yes.

5 Q. Okay. So with regard to the
6 citation you make here to invoking the work of the
7 Joint Terrorist Financing Task Force with the U.S.
8 and Saudi Arabia, your knowledge of that would be
9 limited to the period in the fall of 2003 when it
10 began its work and when you left in December?

11 A. Yes.

12 Q. So a couple months?

13 A. Correct.

14 Q. Okay. And you don't identify that
15 limitation on the scope of your familiarity with
16 the work in your report, do you?

17 MS. KOWNACKI: Objection.

18 THE WITNESS: No, I don't
19 believe I do.

20 BY MR. CARTER:

21 Q. Okay. And if we can -- well, before
22 I get to this.

23 You're an experienced anti-money
24 laundering and terrorism financing investigator,

1 right?

2 A. Yes.

3 Q. And would you agree with me that an
4 assessment of a bank's role in terrorist financing
5 would be significantly advantaged by having access
6 to the actual bank records concerning suspect
7 accounts?

8 MS. KOWNACKI: Objection.

9 THE WITNESS: Depending on
10 the situation, yes.

11 BY MR. CARTER:

12 Q. You'd want to look at the bank's
13 records?

14 MS. KOWNACKI: Objection.

15 THE WITNESS: Again, it
16 depends on the -- on the situation, the
17 circumstances.

18 BY MR. CARTER:

19 Q. Well, with -- with Al Rajhi Bank,
20 when you were at the FBI, would have liked to have
21 access -- have had access to the bank records?

22 A. If I knew of bank records in
23 particular that warranted review, then, yes.

24 MR. CARTER: If we can mark as

1 the next exhibit the document at Tab 33.

2 (Document marked for
3 identification as Lormel Exhibit 10.)

4 BY MR. CARTER:

5 Q. Mr. Lormel, we've previously marked
6 this as an exhibit at Bob Pasley's deposition.

7 Do you know him?

8 A. Yes.

9 Q. And have you worked together?

10 A. Yes.

11 Q. In government or out of government?

12 A. Out of government. Bob and I were
13 independent -- were -- are independent
14 consultants, and there are times that we've
15 collaborated with each other on projects.

16 Q. Have you collaborated together on
17 this project?

18 A. No, we haven't spoken about this at
19 all.

20 Q. This diplomatic cable is from
21 September of 2004.

22 Do you see that?

23 A. Yes.

24 Q. Okay. And it reflects conversations

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1 between Treasury Assistant Secretary Zarate and a
2 Saudi official named Ali Al-Gaith concerning Al
3 Rajhi Bank.

4 Do you see that?

5 A. Yes.

6 Q. And during the meeting, in
7 paragraph 5 it says:

8 "Zarate noted that the United States
9 Government has real concerns about the financial
10 activities facilitated by Al-Rajhi and that these
11 concerns were not an indictment against the Saudi
12 Arabian government."

13 And it goes on to say:

14 "Particular accounts of concern need
15 to be investigated and the compliance and the
16 bank's compliance structure needs to be reviewed."

17 And "Al-Gaith said that information
18 on suspect accounts would be shared."

19 Do you see that?

20 A. Yes.

21 Q. Now, this is nine months or so after
22 you left the FBI?

23 A. Yes.

24 Q. And this reflects that the U.S.

1 government is still trying to obtain information
2 about suspect accounts at Al Rajhi Bank?

3 A. Yes.

4 Q. Okay. So fair to say that the Al
5 Rajhi -- that the U.S. government had not yet
6 received all of the information it thought
7 necessary to evaluate the Al Rajhi Bank
8 allegations?

9 MS. KOWNACKI: Objection.

10 THE WITNESS: Excuse me. I'm
11 getting a leg cramp. Sorry.

12 Please repeat that.

13 BY MR. CARTER:

14 Q. Well, the fact that the U.S.
15 government was --

16 MS. KOWNACKI: Sean, can we
17 take a break if the witness has a cramp?

18 THE WITNESS: I'm okay now.

19 MS. KOWNACKI: Are you sure?

20 THE WITNESS: Yeah, I'm good.

21 I'm good.

22 MR. CARTER: Sure.

23 BY MR. CARTER:

24 Q. Yeah. I can't remember what it was

1 and this thing has gone off. Oh.

2 Last question was: So fair to say
3 that the -- that the U.S. government had not yet
4 received all of the information it thought was
5 necessary to evaluate the Al Rajhi Bank
6 allegations?

7 MS. KOWNACKI: Objection.

8 THE WITNESS: That's what it
9 says.

10 BY MR. CARTER:

11 Q. Okay. And then --

12 A. And if I may.

13 Based on my experience and in
14 special having dealt with Zarate and some others
15 that worked at Treasury, they would make a lot of
16 demands for things and -- and not provide any
17 documentation. I believe that's said in here also
18 where Al-Gaith complains that we don't -- "we
19 haven't gotten any information from you."

20 They were great at making these
21 statements. Oftentimes there was no substance
22 behind them in terms of, what are you talking
23 about that you're not getting?

24 Zarate would complain to me or to

1 people in the government that we weren't providing
2 him with information when we were.

3 So I take this -- I take Zarate's
4 statement here with a grain of salt. It's in that
5 cable. It's very, very possible that there were
6 records that weren't being provided.

7 I don't know. Obviously, as you
8 pointed out, I'm gone from the government at that
9 point in time.

10 So I only, having dealt with
11 Mr. Zarate quite, quite frequently, oftentimes
12 they didn't have the information or couldn't
13 provide information because they didn't -- they
14 were more -- they were reaching more than what
15 they had. If that makes sense.

16 Q. Well, Mr. Lormel, it's a different
17 issue, though.

18 A. Okay.

19 Q. Whether or not the U.S. government
20 provided sufficient predicate to the Saudi
21 government to justify its request --

22 A. Okay.

23 Q. -- is different from whether or not
24 the U.S. government already had the records.

1 A. Okay.

2 Q. So do you agree with me that the
3 fact that the U.S. government was asking for
4 records likely indicates that it didn't have them?

5 MS. KOWNACKI: Objection.

6 THE WITNESS: Well, it
7 indicates that they didn't have a set of
8 records. Doesn't -- but, yes. Yeah.

9 MR. CARTER: And if we can
10 mark as the next exhibit the diplomatic
11 cable at Tab 34.

12 (Document marked for
13 identification as Lormel Exhibit 11.)

14 BY MR. CARTER:

15 Q. This can turn -- this concerns a
16 proposed joint examination of Al Rajhi Bank
17 through the Joint Terrorist Financing Task Force.

18 Do you see that?

19 A. Yes, uh-huh.

20 Q. And this is dated to November of
21 2004, correct?

22 A. Yes.

23 Q. And the proposal, if you go down
24 near the bottom -- well, I'm sorry -- go up to the

1 top where we were, reflects that it's an urgent
2 action cable and the request is:

3 "Please pass the proposed terms of
4 reference for the joint examination of the Al
5 Rajhi Bank through the Joint Terrorist Financing
6 Task Force to appropriate Saudi officials at the
7 SAMA" and others.

8 Do you see that?

9 A. Yes.

10 Q. Okay. And it goes on lower down to
11 say:

12 "The U.S. Department of the
13 Treasury, together with an inter-agency bank
14 examination, team will work with SAMA through the
15 existing JTFTF" -- that's the joint task force,
16 right?

17 A. Yes, uh-huh.

18 Q. -- "on terms of reference for
19 conducting a joint examination of certain accounts
20 at Al Rajhi Bank."

21 Do you see that?

22 A. Yes.

23 Q. So as of November 2004, there had
24 not been a joint task force examination of Al

1 Rajhi Bank, correct?

2 MS. KOWNACKI: Objection.

3 THE WITNESS: No, I wouldn't
4 make that assumption. There could have
5 been. This is a request at this point in
6 time. Doesn't cover anything prior to
7 that.

8 BY MR. CARTER:

9 Q. So you think the U.S. government is
10 making a proposal for a joint examination of Al
11 Rajhi Bank even though one has already been
12 conducted?

13 A. Oh, I'm sorry.

14 In terms of that type of
15 examination, no, I doubt anything had been done
16 before that like that.

17 Q. Okay. And this is a year after you
18 left government?

19 A. Yes.

20 MR. CARTER: And -- and it
21 goes on to include a specific terms of
22 reference to govern the joint examination
23 on the second paragraph through the third
24 -- sorry -- the second page through the

1 third page.

2 It's at the bottom, Gina,
3 beginning with the paragraph 3C, Exhibit
4 A to the proposed terms of reference.

5 MS. KOWNACKI: Sorry. I don't
6 think we have the right things on the
7 screen.

8 TRIAL TECH: So you want page
9 2 and 3?

10 MR. CARTER: Yeah, it's the
11 bottom of page 2 at that 3C.

12 TRIAL TECH: Got it. Sorry.

13 BY MR. CARTER:

14 Q. And this indicates that the United
15 States was seeking particular documents and
16 information regarding specified accounts and
17 account holders.

18 Do you agree with that?

19 A. Yes.

20 Q. So as of this November 2004 time
21 period, the United States was still seeking Al
22 Rajhi Bank records for purposes of conducting its
23 investigation, right?

24 A. Yes.

1 Q. Okay. With regard to the details
2 recounted in your report about the investigation
3 of Al Rajhi Bank while you were at the FBI, given
4 the nature of the tasking that you issued, is it
5 reasonable to expect that the people you tasked to
6 work on this would have produced some kind of
7 documentation about their work?

8 MS. KOWNACKI: Objection.

9 THE WITNESS: Yes.

10 BY MR. CARTER:

11 Q. What would you -- what kind of
12 documents would you expect to see? And feel free
13 to use the internal FBI terminology.

14 A. To the extent any interviews were
15 conducted, FD-302s. More likely electronic
16 communications, referred to as ECs, summarizing
17 the activity that was being conducted would have
18 been -- would have been appropriate.

19 Q. And those documents would reflect
20 what your investigators and analysts found
21 pursuant to the tasking that you issued?

22 A. Yes.

23 MR. CARTER: Okay. Do we want
24 to take another quick break, I think?

1 MS. KOWNACKI: Sure.

2 MR. CARTER: Based on just
3 number duration.

4 MS. KOWNACKI: Yes.

5 THE VIDEOGRAPHER: The time is
6 11:29 a.m. We're off the record.

7 (Recess.)

8 THE VIDEOGRAPHER: The time is
9 11:43 a.m. We're back on the record.

10 BY MR. CARTER:

11 Q. Mr. Lormel, we're going to move on
12 to some other subjects, but I had one follow-up
13 question related to an issue we discussed.

14 You mentioned that you communicated
15 your consulting role with [REDACTED] and the SAAR
16 Foundation to people at the FBI, correct?

17 A. And I believe I said DOJ as well.
18 Department of Justice.

19 Q. And to whom did you convey that you
20 were taking on that role?

21 A. To people who I had worked with and
22 just a few people, and it would have been
23 informal.

24 Q. So there was no formal communication

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1 to anyone at the Department of Justice to make
2 sure that there was nothing problematic with going
3 to work in the consulting capacity?

4 MS. KOWNACKI: Objection.

5 THE WITNESS: There was no
6 reason to. There was absolutely no
7 reason to -- to report anything.

8 It was what I did, there
9 was -- if you infer that -- that there
10 should have been because of the short
11 period of time I was retired, by the time
12 I started working with them, that was
13 over a year after I left. So any type of
14 potential conflict in that regard
15 wouldn't exist.

16 But in what I was doing, I'm
17 not aware of any requirement or any need
18 to have -- to have advised DOJ or -- or
19 the FBI.

20 BY MR. CARTER:

21 Q. You said that a year had passed.
22 Is there some sort of one year?

23 A. There's a conflict rule, and it had
24 absolutely no bearing on this case. It was just a

1 matter of timing. But generally for government
2 employees, FBI, for us, if I had investigated
3 somebody or had worked on something, there was a
4 cooling-off period of a year so as there's no
5 conflict of interest.

6 Q. And how -- how long after the
7 expiration of the cooling-off period did you go to
8 work for [REDACTED] and the SAAR Foundation?

9 A. I don't recall.

10 Q. I think you said that you started
11 working for them in either late 2004/early 2005.

12 So that would have been very --

13 A. 2005. It would have been after a
14 year and it would have been coincidental because I
15 never thought of that. There was -- there was no
16 -- no conflict.

17 Q. Shifting gears, you discuss in your
18 report the treatment by Mr. Winer and Mr. Kohlmann
19 of certain CIA reports in their -- in their expert
20 opinions, correct?

21 A. Yes.

22 Q. And just to paraphrase, you opine in
23 your report that the CIA reports cited by Winer
24 and Kohlmann in their reports are not evidence, in

1 your view, and that both experts commit errors by
2 citing and relying upon them.

3 Is that fair?

4 MS. KOWNACKI: Objection.

5 THE WITNESS: Rely on them in
6 terms of evidence, yes.

7 BY MR. CARTER:

8 Q. Okay. And in terms of the word
9 "evidence," which is used in your report and in
10 their reports, are you referring to the term
11 "evidence" in the legal sense?

12 A. Yes.

13 Q. And so you're referring to materials
14 or information that would be admissible in a court
15 of law to prove something?

16 MS. KOWNACKI: Objection.

17 THE WITNESS: Yes.

18 BY MR. CARTER:

19 Q. And are you familiar with the
20 colloquial definition of the term "evidence,"
21 which as I understand it is the available body of
22 facts or information indicating whether a belief
23 or proposition is true or valid?

24 A. Right. In terms of court cases and

1 things, I'm -- I'm looking at my perspective of
2 evidence is related to criminal and civil
3 proceedings, and this obviously is a civil
4 proceeding.

5 And their use of evidence in that
6 regard I find troubling because the bottom line is
7 it's -- the CIA reports are not transparent and
8 the sources of information, the reliability of the
9 information, the -- the corroboration of the
10 information is not known.

11 So that's not something I would be
12 able to use in a proceeding, and the CIA reports
13 are intended for a different purpose.

14 Q. And I'm just trying to avoid any
15 sort of semantic issues that --

16 A. Sure.

17 Q. -- are in our conversation here.

18 A. Sure.

19 Q. I think you state in your report
20 that intelligence reports include information,
21 correct?

22 A. Correct.

23 Q. And do you agree that intelligence
24 reports commonly include factual matter?

1 MS. KOWNACKI: Objection.

2 THE WITNESS: They can.

3 BY MR. CARTER:

4 Q. So just for example, some of the
5 intelligence reports I've seen here indicate that
6 Sulaiman Abdul Aziz Al Rajhi is an officer of Al
7 Rajhi Bank.

8 That's a factual matter, right?

9 MS. KOWNACKI: Objection.

10 THE WITNESS: Correct. Yeah.

11 BY MR. CARTER:

12 Q. And to the extent that Winer and
13 Kohlmann are using the word "evidence" to refer to
14 information and facts, do you have a problem with
15 that usage of the term?

16 MS. KOWNACKI: Objection.

17 THE WITNESS: Repeat the
18 question, please.

19 BY MR. CARTER:

20 Q. Well, to the extent that Winer and
21 Kohlmann are using the term "evidence" in
22 reference to the CIA reports to talk about
23 information and factual matter, do you have a
24 problem with it?

1 MS. KOWNACKI: Objection.

2 THE WITNESS: In certain
3 respects, I do. Some -- some respects,
4 no.

5 BY MR. CARTER:

6 Q. And in terms of just the -- the
7 legal use of the term "evidence," you're not a
8 lawyer, correct?

9 A. Correct.

10 Q. And throughout the course of your
11 career with the FBI, your focus was exclusively on
12 criminal proceedings?

13 A. Until 9/11. After 9/11, it was
14 counterterrorism, but I would try to work within
15 the criminal framework and stay away from the
16 classified side.

17 Q. But your work at the FBI didn't
18 involve any civil litigation?

19 A. Early in my career, there were some
20 civil cases that I was involved in. As a new
21 agent, you kind of cut your teeth type things and
22 cases that were not attractive, but they were
23 civil.

24 Q. You're not purporting to offer

1 expert opinions about the admissibility standards
2 in federal court, are you?

3 A. No.

4 Q. And you're not purporting to offer
5 opinions about what the judge is permitted to let
6 into evidence, right?

7 A. Right. Correct. But what I am --
8 what concerns me on those reports is the use of
9 the term "evidence" and the inference that --
10 that, to the point you made before, what's fact
11 and what's not necessarily fact that turns that.

12 And, also, I'm not a lawyer. That's
13 certain, but I have 28 years in the FBI of which I
14 worked extensively with U.S. Attorney's Office,
15 with prosecutors, with developing what we referred
16 to as evidence to support a prosecution and --
17 and, obviously, those standards are pretty high.

18 I don't think you need to be a
19 lawyer to understand that.

20 Q. You mentioned that while you were at
21 the FBI, there was a prohibition against using CIA
22 intelligence as evidence, right?

23 MS. KOWNACKI: Objection.

24 THE WITNESS: I'm sorry.

1 Please repeat that.

2 BY MR. CARTER:

3 Q. I believe you indicate in your
4 report that when you were at the FBI that you were
5 not permitted to use CIA intelligence materials as
6 evidence?

7 A. Where did I say that? How did I say
8 that?

9 Q. Page 11.

10 "While in certain instances, some
11 intelligence may rise to the level of evidence, in
12 the case of CIA intelligence, the CIA would
13 normally not allow agencies such as the FBI or
14 Department of Justice to use their intelligent as
15 evidence."

16 Do you see that?

17 A. Yes.

18 Q. And a significant reason for that is
19 because the use of CIA intelligence as evidence in
20 a criminal matter would expose the CIA to
21 discovery, right?

22 MS. KOWNACKI: Objection.

23 THE WITNESS: One of the
24 them. One of the reasons, yes.

1 BY MR. CARTER:

2 Q. And doing that could potentially
3 imperil ongoing intelligence operations?

4 A. Yes, and sources.

5 Q. You --

6 A. Well, you know, if I may to complete
7 that answer a little bit more.

8 The CIA reports would have been
9 problematic because they usually withhold the
10 source of the information. So we would have to
11 develop that information independent and
12 corroborate the sources of information and -- and
13 the reliability of that information.

14 Q. Well, in a lot of -- would you agree
15 that in many cases, CIA reports include materials
16 that would be usable in court as evidence if not
17 for the CIA's intelligence equities?

18 MS. KOWNACKI: Objection.

19 THE WITNESS: Yes, but I would
20 question how much. There's also
21 information that you wouldn't be able to
22 use. Single source information or
23 information that is -- how would I
24 describe? -- information that would be

1 more opinion than fact.

2 BY MR. CARTER:

3 Q. You, as I understand it, contrast
4 the CIA reports with the 9/11 Commission Report?

5 A. Yes.

6 Q. Okay. And you say:

7 "I consider the 9/11 Commission
8 Report to be the most authoritative,
9 comprehensive, objective, and reliable report
10 addressing 9/11."

11 Right?

12 A. Yes.

13 Q. And you note that the 9/11
14 Commission reviewed more than two and a half
15 million pages of documents and interviewed more
16 than 1200 individuals in 10 countries, right?

17 A. Yes.

18 Q. And you go on to also say that you
19 consider the Monograph on Terrorist Financing to
20 be a highly reliable source of information and
21 that it was meticulously prepared with great rigor
22 and objectivity by the Commission Staff
23 responsible for the terrorist financing review; is
24 that correct?

1 A. Yes, that -- that's correct. I
2 spent a lot of time with them. I was impressed by
3 their integrity. I was impressed by their
4 objectivity and -- and their meticulousness.

5 Q. And in that answer, you're referring
6 to the staff who prepared the Monograph?

7 A. Yes.

8 MR. CARTER: If -- if we can,
9 can we mark as the next exhibit the
10 Monograph, which is at Tab 5 I think.

11 (Document marked for
12 identification as Lormel Exhibit 12.)

13 BY MR. CARTER:

14 Q. Mr. Lormel, I trust from the
15 statements in your report that you're familiar
16 with the Monograph that we've marked as an
17 exhibit?

18 A. Yes.

19 Q. I gather from your testimony that
20 you were engaged with the staff members who wrote
21 this, the Monograph?

22 A. Yes.

23 Q. What was the nature of that
24 interaction?

1 A. They were -- they were fact-finding.
2 They -- they were looking at the government's
3 response from -- to 9/11. They were looking at
4 the shortcomings before that. They -- so, in
5 part, we were providing them with a lot of
6 information for their consideration, their
7 background. They balanced that, I'm sure, with
8 the other agencies they spoke to and other sources
9 they went to.

10 And as you pointed out, in an
11 earlier memorandum, you know, on certain
12 occasions, I was interviewed, and they put it in
13 the form of that type of memo that -- that you --
14 you produced earlier.

15 Q. And do I understand then that your
16 interactions with the staff who prepared the
17 Monograph included interactions while you were at
18 the FBI?

19 A. Yes.

20 Q. And the FBI was providing
21 information to the staff in relation to their work
22 on the Monograph?

23 A. Yes.

24 Q. And other agencies were as well?

1 A. Yes.

2 Q. And in addition to any documents,
3 you also were engaged in interviews and
4 conversations with them?

5 A. Yes.

6 Q. If we can look at page 4 of the
7 Staff Monograph, and the paragraph that begins:

8 "Al Qaeda and Usama Bin Ladin
9 obtained money from a variety of sources.
10 Contrary to common belief, Bin Ladin did not have
11 access to any significant amounts of personal
12 wealth (particularly after his move from Sudan to
13 Afghanistan) and did not personally fund al Qaeda,
14 either through an inheritance or businesses he was
15 said to have owned in Sudan. Rather, al Qaeda was
16 funded, to the tune of approximately \$30 million
17 per year, by diversions of money from Islamic
18 charities and the use of well-placed financial
19 facilitators who gathered money from both witting
20 and unwitting donors primarily, in the Gulf
21 region. No persuasive evidence exists that al
22 Qaeda relied on the drug trade as an important
23 source of revenue, had any substantial involvement
24 with conflict diamonds, or was financially

1 sponsored by a foreign government."

2 Do you agree with those assessments
3 and findings of the Staff Monograph?

4 A. Yes.

5 Q. And that includes the statement
6 about the manner in which the al-Qaeda
7 organization was funded to the tune of
8 approximately \$30 million per year?

9 A. Yes. Excuse me. Yes.

10 Q. If we can -- are you aware,
11 Mr. Lormel, that Al Rajhi Bank has produced an
12 expert report from an individual named Aimen Dean?

13 A. No, I'm not aware of that. I know
14 that they had other experts, but I'm not familiar
15 with him.

16 MR. CARTER: If we can mark
17 Mr. Dean's report as the next exhibit.

18 (Document marked for
19 identification as Lormel Exhibit 13.)

20 BY MR. CARTER:

21 Q. And apologies. I just have it in a
22 different binder here. So give me a moment.

23 A. Yeah.

24 Q. And if we can turn to page 13 and

1 continuing on to 14. Beginning with "Winer is
2 wrong."

3 The section I want to address is the
4 paragraph beginning there and the two that follow
5 it, and just to include them for the record.

6 "Winer is wrong to suggest that
7 al-Qaeda depended on donations from the Subject
8 Charities. Instead, the funds for al-Qaeda's
9 operations largely came from the business ventures
10 of al-Qaeda members. The encouragement of
11 independent entrepreneurship within al-Qaeda's
12 ranks was not an alien idea, given that Bin Laden
13 himself came from a business family. By
14 encouraging members to start import and export
15 businesses to fund themselves, al-Qaeda was able
16 to divert funds from the welfare system to the
17 expansion of military training camps.

18 "The region offered several
19 profitable export opportunities. There was honey
20 from the Kashmiri mountains, Himalayan pink salt,
21 and Afghan carpets -- all of which were coveted by
22 consumers in the region and commanded high
23 margins. Importing was also a significant source
24 of income for al-Qaeda. Members got into the

1 business of importing cars, fertilizers, and other
2 agri-nutrients. I myself used an export business
3 as a cover while operating as an agent for MI6,
4 because al-Qaeda favored financially independent
5 members -- particularly those who could contribute
6 to the cause. In my case, my business partners
7 and I sourced honey from Kashmiri suppliers and
8 sold our products at a mark-up of roughly 1,000
9 percent. On top of this, protection of the opium
10 trade was one of the largest sources of funding
11 for al-Qaeda operations. I observed first hand
12 that drug cartels in Afghanistan paid al-Qaeda
13 millions of dollars to protect the heroin caravans
14 passing from Afghanistan into Iran.

15 "It was through businesses like
16 these that al-Qaeda has able to become a
17 self-sustaining entity and finance its operations.
18 While undercover for MI6, based on my interactions
19 with the al-Qaeda leadership handling finances and
20 my participation in meetings where revenue was
21 reported, I estimated that the al-Qaeda
22 enterprises (legitimate and illicit) were
23 generating upwards of at least \$20-30 million per
24 year before 9/11 to support operations. Winer and

1 Kohlmann do not identify any funding transactions
2 from the Subject Charities to al-Qaeda, and I am
3 aware of none, let alone funding that would have
4 meaningfully contributed to al-Qaeda's budget --
5 and certainly not through the formal banking
6 system."

7 Having -- having read that opinion
8 from Mr. Dean concerning the sources of al-Qaeda's
9 funding before 9/11, do you agree with his
10 statements?

11 A. I agree with those statements, yes.
12 They -- I don't see why you couldn't agree with
13 both. And al-Qaeda, Bin Laden was -- they were
14 looking for any source they could --

15 Q. Well --

16 A. -- to fund him.

17 Q. -- Mr. Lormel, let's be clear.

18 A. Uh-huh.

19 Q. The Monograph which you agree with
20 says that the primary source of al-Qaeda's revenue
21 was diversions of monies from charities and
22 well-placed financial facilitators and that
23 generated the \$30 million.

24 Mr. Dean says that charities were

1 not a significant source of revenue for al-Qaeda.

2 Do you disagree with his statement
3 that -- that charities were not a significant
4 source of money for al-Qaeda?

5 A. Oh, I think charities were a source,
6 and I also believe in the 9/11 Commission Report
7 that they had a caveat in there about hindsight
8 and foresight about other information that they
9 weren't aware of.

10 This individual clearly has
11 firsthand experience.

12 We encountered the honey trade for
13 sure. So I believe there were funds that did come
14 from -- from other sources.

15 I do believe that the charities were
16 a source, and we were very concerned because of
17 the amount -- the amounts of cash that went
18 through the charities.

19 Q. Okay. The Staff Monograph says that
20 charities were a significant source of funding for
21 al-Qaeda.

22 You agree with that, right?

23 A. Yes.

24 Q. Mr. Dean says that they were not.

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1 Do you agree with that?

2 MS. KOWNACKI: Objection.

3 Mr. Dean is referring to the Subject

4 Charities. That says it clearly.

5 BY MR. CARTER:

6 Q. Okay. Well, let's ask the question.

7 MS. KOWNACKI: Is that right?

8 BY MR. CARTER:

9 Q. You're aware that the U.S.
10 government designated the entirety of the
11 Al-Haramain organization over a number of years,
12 right?

13 MS. KOWNACKI: Objection.

14 BY MR. CARTER:

15 Q. Are you aware of that?

16 A. Yes.

17 Q. Okay. And some of those
18 designations occurred while you were still with
19 the FBI, right?

20 A. The -- the Al-Haramain branches,
21 yes.

22 Q. Okay. And based on the work you did
23 at the FBI, do you believe that Al-Haramain was a
24 source of funding for al-Qaeda?

1 A. Yes.

2 MS. KOWNACKI: Objection.

3 BY MR. CARTER:

4 Q. And that's one of the Subject
5 Charities in Mr. Dean's report?

6 A. I haven't read Mr. Dean's report.
7 So I don't know, you know, who. I don't know who
8 he's referring to.

9 Q. Well, the Staff Monograph says that
10 the opium trade was not a significant source of
11 income for al-Qaeda before 9/11. Mr. Dean says
12 that it was.

13 Which should we believe?

14 MS. KOWNACKI: Objection.

15 THE WITNESS: Well --

16 MS. KOWNACKI: That
17 mischaracterizes Dean's statement which
18 says the protection of opium trade.

19 BY MR. CARTER:

20 Q. Which shall we believe?

21 A. Well, I think both are believable.
22 I think certainly the charities, and he -- I don't
23 know him. Just looking from his background, you
24 know, he has some very -- would seem to me has a

1 very good firsthand experience that we lacked and,
2 you know, I would -- I would take a serious look
3 at that. I wouldn't discount it at all.

4 Q. Well, you don't believe there to be
5 tension between what he's saying here and what's
6 reported as the official findings of the 9/11
7 staff concerning the primary sources of al-Qaeda's
8 financing?

9 MS. KOWNACKI: Objection. He
10 says he hasn't read the full report.

11 THE WITNESS: I honestly see
12 that both could be sources.

13 BY MR. CARTER:

14 Q. It's not sources.

15 A. Yeah.

16 Q. It's not sources.

17 The report he's offered indicates
18 that the funding for al-Qaeda came from business
19 enterprises operated by al-Qaeda members,
20 protection from the opium trade, and the like, and
21 not from charities.

22 Do you agree with that?

23 A. From his perspective.

24 MS. KOWNACKI: Objection.

1 THE WITNESS: Yes, his
2 perspective. He's basing that on his
3 experience. I have no reason to -- to
4 doubt his perspective on that.

5 BY MR. CARTER:

6 Q. And from your perspective, were
7 charities the primary source of funding for
8 al-Qaeda before 9/11, as is said in the Staff
9 Monograph?

10 MS. KOWNACKI: Object.

11 THE WITNESS: I think
12 charities were a big -- a certain -- a
13 major source. I also believe there were
14 other sources.

15 BY MR. CARTER:

16 Q. So who is the court supposed to
17 believe as to whether or not charities were a
18 major source of funding: You or Mr. Dean?

19 MS. KOWNACKI: Objection.

20 It's not clear what charities you're even
21 talking about here. Charities to mean...

22 THE WITNESS: I don't have
23 his perspective. I don't have that
24 experience, but I do recall, you know,

1 that we did look at monies coming from
2 other sources.

3 I think we do ourselves a
4 serious disservice by -- by saying this
5 versus that. Al-Qaeda wasn't
6 discriminating. They were going to get
7 money from any source they could.

8 At the time of the 9/11
9 Commission Report, that's what the
10 Commission believed and that's -- that's
11 reasonable.

12 What he's saying here is
13 reasonable, and you're looking at it now
14 many years later and these -- these two
15 opinions collide. I think there's room
16 for both of them.

17 BY MR. CARTER:

18 Q. Okay. And based on the information
19 you saw at the time, do you believe that business
20 ventures generated or run by al-Qaeda members were
21 generating \$20 to 30 million a year revenue for
22 al-Qaeda?

23 MS. KOWNACKI: Objection.

24 THE WITNESS: In my

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1 experience from what we were looking at,
2 I couldn't say that. I wouldn't.

3 I believe -- excuse me.

4 I believe revenue was
5 generated from sources like this. I
6 can't quantify how much and how close it
7 was to the charitable things.

8 When we first got involved,
9 one of the first things we were looking
10 at was the charities. That was one of
11 the first things. We saw that as a -- as
12 a significant -- as a significant source
13 in it, and we were concerned about it and
14 we focused on that.

15 And if that's what the 9/11
16 Commission bases their findings on, it's
17 from what we initially went after.

18 BY MR. CARTER:

19 Q. Okay. You would agree with --

20 A. That's not to say that there weren't
21 other sources. That's what I'm trying to say
22 here. There's a lot of sources.

23 Q. I understand what you're trying to
24 say.

1 And what I'm trying to get clarity
2 about is that Mr. Dean says that it was through
3 businesses like these that al-Qaeda was able to
4 become a self-sustaining entity and finance its
5 operations.

6 A. And I'm saying --

7 Q. Based on the experience you had in
8 government, do you agree with that assessment?

9 MS. KOWNACKI: Objection.

10 Again, he doesn't have the context of the
11 whole report.

12 THE WITNESS: I don't doubt
13 his sincerity in what he's saying there.

14 What we were looking at, at
15 the time, was more focused on the
16 charities, but we were also were aware of
17 some of these other sources.

18 BY MR. CARTER:

19 Q. Okay. The 9/11 Commission Staff
20 Monograph did not conclude that businesses run by
21 al-Qaeda members enabled al-Qaeda to become a
22 self-sustaining entity and finance its
23 operations --

24 A. Right.

1 Q. -- did it?

2 A. I think they were more focused not
3 only on the charities, aside from the charities,
4 the wealthy donors.

5 Q. Okay. But neither of those are
6 businesses run by al-Qaeda members, are they?

7 A. Some could be, but not -- not
8 entirely.

9 Q. Okay. And do you believe that the
10 9/11 Commission had access to quality information
11 pointing to the involvement of the charities -- of
12 charities in financing al-Qaeda?

13 MS. KOWNACKI: Objection.

14 Vague.

15 THE WITNESS: I'm sorry. Can
16 you repeat that?

17 BY MR. CARTER:

18 Q. Do you believe that the 9/11
19 Commission and, in particular, the staff had
20 access to quality information in relation to the
21 funding of al-Qaeda by charities?

22 MS. KOWNACKI: Objection.

23 THE WITNESS: Yes.

24 BY MR. CARTER:

1 Q. Okay. Just turning back to your
2 commentary about the Staff Monograph in your
3 report and, in particular, the bottom of page 14
4 and the top of page 15.

5 I'm sorry. Page -- page 15.

6 You say:

7 "Winer also minimizes the importance
8 of the Monograph when paraphrasing the Preface
9 written by Philip Zelikow, Executive Director of
10 the 9/11 Commission staff. Winer noted that the
11 Commission had not formerly approved the text of
12 the Monograph and referred to this as a
13 limitation. From my personal experience, however,
14 I know that the Monograph was recognized as a
15 significant aid to the 9/11 Commission in
16 assessing the U.S. government's performance in
17 response to 9/11."

18 Do you see that?

19 A. Yes.

20 Q. Mr. Winer cites and relies upon the
21 Monograph, doesn't he?

22 A. Yes.

23 Q. Okay. So he agrees with you that
24 it's an authoritative source, doesn't he?

1 MS. KOWNACKI: Objection.

2 THE WITNESS: That's -- he
3 also offhandedly minimizes it here.

4 So I'm pointing out that --
5 that it is a significant source.

6 BY MR. CARTER:

7 Q. Well, he cites it and relies upon it
8 and says it offers some significant and important
9 findings, doesn't he?

10 MS. KOWNACKI: Objection. Are
11 you quoting Winer?

12 MR. CARTER: I'm asking his
13 understanding of the treatment of the
14 Monograph in Mr. Winer's report.

15 THE WITNESS: I'd like to see
16 more of --

17 BY MR. CARTER:

18 Q. Okay.

19 A. -- the references you're -- or the
20 comments you're referring to.

21 MR. CARTER: Let's go to the
22 Winer report at Section 6.15.3, which is
23 number 50.

24 (Document marked for

This transcript contains Confidential Material

1 identification as Lormel Exhibit 14.)

2 BY MR. CARTER:

3 Q. And I believe the paragraph where
4 you say he minimizes the Staff Monograph is
5 paragraph 6.15.3.

6 A. (Reviews document.)

7 Q. Have you had a chance to read the
8 paragraph, Mr. Lormel?

9 A. I'm reading it now.

10 (Reviews document.)

11 Yes.

12 Q. Okay. And so just to read the
13 section:

14 "Three staff members of the 9/11
15 Commission wrote the 'Monograph' as a Staff Report
16 to the Commission providing some additional
17 analysis of the terrorist finance issues raised by
18 9/11."

19 Do you agree with that?

20 A. Yes.

21 Q. "The Monograph was published by the
22 Commission and is available from its website."

23 Do you agree with that?

24 A. Yes.

1 Q. "That said, its director, Philip
2 Zelikow, stated when it was issued that the
3 Commissioners had been briefed on it and reviewed
4 earlier drafts, but had not formally approved the
5 text."

6 Do you agree with that?

7 A. Yes.

8 Q. Okay. And do you agree with
9 Mr. Winer that "the Monograph amplified several
10 terrorist financing findings beyond those covered
11 in the 9/11 Report itself"?

12 A. Yes, but I disagree with the
13 limitation.

14 Q. So your quarrel with Mr. Winer here
15 that you elevated to your report is that he
16 identified Philip Zelikow's statement
17 acknowledging that it was not a formal document of
18 the Commissioners as a limitation.

19 That's it?

20 A. No. He also -- God, I just lost my
21 thought. There was another point in there that --
22 that I have a problem with that -- oh, I'm sorry.
23 I recall.

24 His characterization in -- in the --

1 oh, God, I lost it again. My apology. What was
2 that?

3 Q. Well, Mr. Lormel, if I may, do you
4 believe it was appropriate for Mr. Winer to
5 acknowledge the caveat that Mr. Zelikow had
6 included in the Preface so as to avoid being
7 potentially accused of misrepresenting it as a
8 product of the Commissioners?

9 A. No, I consider it a slight that it
10 wasn't approved.

11 Q. It's a fact that it wasn't approved.

12 A. I don't dispute that, but the manner
13 in which he then puts that down there is to my
14 point. I looked at that as minimizing the value.

15 And the other thing --

16 Q. Well, no.

17 A. If I may. If I may.

18 The other point I was -- I was
19 looking at was, he makes the statement also that
20 the primary focus was on -- oh, God what was it?

21 The -- where he made a big focus
22 about the CIA report when the purpose of the 9/11
23 Monograph was to determine what the government's
24 response was. So he had that out of context.

1 Q. Okay. But with regard to the issue
2 that we're talking about, isn't it really pretty
3 clear here that what he's saying is that the
4 caveat that Zelikow included in the Preface
5 doesn't take away from the fact that "the
6 Monograph amplified several terrorist financing
7 findings beyond those covered in the 9/11 Report
8 itself"?

9 A. Well --

10 MS. KOWNACKI: Objection.

11 THE WITNESS: -- that's how
12 you interpret it, that's fine. That's
13 not how I interpret it.

14 BY MR. CARTER:

15 Q. Okay.

16 A. I look at it as a slight. Mr. --

17 Q. And -- and let's -- he goes on to
18 say:

19 "A number of his observations and
20 findings are material to the question of whether
21 al Qaeda relied on sympathetic financiers and
22 financial institutions to raise and move money
23 prior to 9/11."

24 Do you agree with that?

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1 A. Yes.

2 Q. Then he goes on to cite as one of
3 the key findings from the Monograph its statement
4 that "bin Ladin relied on raising some \$30 million
5 a year 'by diversions of money from Islamic
6 charities and the use of well-placed financial
7 facilitators who gathered money from both witting
8 and unwitting donors, primarily in the Gulf
9 region."

10 Do you agree with that?

11 A. Yes.

12 MR. CARTER: Turning back to
13 the 9/11 Report itself, and if we can
14 mark the report as an exhibit, and it is
15 at Tab 36.

16 (Document marked for
17 identification as Lormel Exhibit 15.)

18 BY MR. CARTER:

19 Q. And it's a big document, as you
20 know --

21 A. Yes.

22 Q. -- Mr. Lormel.

23 A. Yes.

24 Q. We're not going to review the

1 entirety of it.

2 A. (Laugh). Thank you.

3 Q. I would, however, like to go to the
4 Table of Contents and just talk about a few of the
5 chapters.

6 Chapter 2 of the Commission's report
7 was titled "The Foundation of the New Terrorism."

8 And are you familiar with that
9 chapter?

10 A. Yes.

11 Q. And you're familiar with the report
12 generally?

13 A. Yes.

14 Q. Okay. And am I correct that this
15 chapter includes the 9/11 Commission's findings
16 concerning the establishment of al Qaeda, the Rise
17 of Bin Ladin and al Qaeda, the way in which Bin
18 Ladin built the organization, the steps he took to
19 declare war against the United States, and al
20 Qaeda's Renewal in Afghanistan in 1996 to 1998?

21 A. Yes.

22 Q. Okay. And then with regard to
23 paragraph 5, "Al Qaeda Aims At the American
24 Homeland," I assume that's also a part of the

1 report you're familiar with?

2 A. Yes.

3 Q. And this section of the report
4 reflects the Commission's findings concerning the
5 development of the 9/11 operation and Khalid
6 Sheikh Mohammed's role in bringing it to Bin
7 Ladin, correct?

8 A. Yes.

9 Q. Okay. And then paragraph or
10 Chapter 6 reflects findings the 9/11 Commission
11 reached concerning the effort to move from threat
12 to threat related to different al Qaeda attacks
13 preceding 9/11, correct?

14 MS. KOWNACKI: Objection.

15 THE WITNESS: Yes.

16 MR. CARTER: Okay. If we can
17 mark as the next exhibit the notes to
18 Chapter 2.

19 (Document marked for
20 identification as Lormel Exhibit 16.)

21 MR. CARTER: Number 8. Yeah,
22 Gina, it's number 8.

23 BY MR. CARTER:

24 Q. Mr. Lormel, are you familiar with

1 the Notes that were included with the 9/11
2 Commission Report?

3 A. Yes. Mine didn't come up on the
4 screen.

5 Q. I think we're still getting there.

6 A. Yeah. Okay.

7 Q. But the Notes is where the
8 Commission directed people to source information?

9 A. Yes.

10 Q. And we're now at Chapter 2, and I
11 just want to flag for a couple.

12 In Footnote 18, you see that the
13 9/11 Commission cited as sources for information
14 an intelligence report concerning the
15 interrogation of Zubaydah, and a CIA analytical
16 report "Bin Ladin's Terrorist Operations
17 Meticulous and Adaptable."

18 Correct?

19 A. Yes.

20 Q. And in support of number 21, the
21 government -- the 9/11 Commission cited the
22 "Government's Evidentiary Proffer Supporting the
23 Admissibility of Co-Conspirator Statements,"
24 correct?

1 A. Yes.

2 Q. And the next footnote cites -- 22
3 cites an intelligence report as well.

4 "Intelligence report, Terrorism: Usama Bin
5 Ladin's Historical Links to 'Abdallah Azzam'?"

6 A. Yes.

7 MS. KOWNACKI: Objection.

8 You're not referring to what any of these
9 footnotes refer to.

10 MR. CARTER: I'm just asking
11 if he agrees that these are the citation
12 sources that were included with the 9/11
13 Commission Report.

14 BY MR. CARTER:

15 Q. And then in paragraph 25, the
16 Commission said:

17 "A wealth of information on al
18 Qaeda's evolution and history has been obtained
19 from materials seized in recent years, including
20 files labeled 'Tareekh Usama' (Usama's history)
21 and 'Tareekh al Musadat' (History of the Services
22 Bureau). For descriptions of and substantial
23 excerpts from these files, see Government's
24 Evidentiary Proffer Supporting the Admissibility

1 of Co-Conspirator Statements, United States v.
2 Arnaout. See also Intelligence report, Terrorism:
3 Historical Background of the Islamic Army and bin
4 Ladin's Move from Afghanistan to Sudan."

5 Do you see this -- those?

6 A. Yes.

7 Q. Are you familiar with the
8 evidentiary proffer in the Arnaout case?

9 A. Yes.

10 Q. And that was a document filed by the
11 Department of Justice in a terrorism prosecution?

12 A. Yes.

13 Q. And if we go down -- I'm not going
14 to review all of these.

15 Paragraph 30 there's a reference to
16 CIA report "Al-Qa'ida in Sudan, 1992 to 1996: Old
17 School Ties Lead Down Dangerous Paths."

18 In paragraph 35, there's another
19 reference to a cite to the "Old School Ties"
20 report.

21 Also 36, also 37. Again in 44.

22 In 52, there's an Intelligence
23 report cited "Establishment of a Tripartite
24 Agreement Among Usama Bin Ladin, Iran, and the

1 NIF." An Intelligence report, "Cooperation Among
2 Usama Bin Ladin's Islamic Army and the NIF."

3 There's quite a number of other
4 intelligence reports cited in the notes.

5 You agree with me that the 9/11
6 Commission, in offering source information for
7 findings it included in its report, cited
8 frequently to intelligence reports including CIA
9 analytic reports?

10 MS. KOWNACKI: Objection.

11 THE WITNESS: I'm not sure
12 about frequently but, yes. Yeah.

13 BY MR. CARTER:

14 Q. Okay. Do you happen to know how
15 many of the CIA reports cited in Mr. Winer's and
16 Kohlmann's reports are cited in Notes to the 9/11
17 Commission Report?

18 A. No.

19 Q. I'm going to represent to you that
20 at least eight of the CIA reports that they cite
21 in their reports are also cited in the 9/11
22 Commission Report.

23 Were you aware of that when you
24 wrote your report?

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1 A. That specific fact, no.

2 Doesn't change my opinion.

3 Q. Okay. You did in your report,
4 though, credit the 9/11 Commission for the
5 thoroughness of its investigation, didn't you?

6 A. Yes, I did.

7 Q. Okay. And you credited the 9/11
8 Commission for the way in which it sourced its
9 findings, correct?

10 A. Yes.

11 Q. In your report, I recall that you
12 also criticize Mr. Winer and Mr. Kohlmann for
13 their reliance on the Golden Chain document.

14 Do you recall that?

15 A. Yes.

16 Q. Okay. And that appears on pages 25
17 and 26 of your report, correct?

18 A. Yes.

19 Q. You have your report in front of
20 you, right?

21 A. Yes.

22 Q. Okay. And in particular, you -- as
23 part of this criticism, you cite in Footnote 85
24 the references by Winer in paragraph 6.2.11 and

1 6.3-6.4, correct?

2 A. Yes. Yes.

3 Q. Okay. And to a reference in the
4 Kohlmann report at page 7?

5 A. Yes.

6 Q. And you indicate in your report that
7 the experts are referencing "the so-called 'Golden
8 Chain' document."

9 What is that?

10 A. Golden Chain was a list of wealthy
11 individuals who were purported to provide support
12 to Bin Laden and to al-Qaeda.

13 Q. And I believe you indicate in your
14 report that you concluded that the list predated
15 the formation of al-Qaeda and instead related to
16 support for the Afghan rebels fighting Russians in
17 Afghanistan?

18 A. The origination of the list and the
19 donor source, yes.

20 Q. And just to clarify here, in the
21 conflict in Afghanistan against Russia, there were
22 Afghan fighters?

23 A. Yes.

24 Q. And there were also foreign

1 fighters?

2 A. Right.

3 Q. And Bin Laden was one of the foreign
4 fighters?

5 A. Right.

6 Q. Correct?

7 And Bin Laden wouldn't be considered
8 one of the Afghan rebels?

9 A. He was fighting with the Afghan
10 rebels.

11 Q. But there was a distinction between
12 the Afghan rebels and the foreign fighters,
13 correct?

14 A. I don't know that I'd make a
15 distinction, but certainly he's a foreign fighter.
16 He's not Afghan.

17 Q. Well, there you say here "who are
18 also supported by the United States."

19 Isn't it correct that the United
20 States provided support during this time to the
21 Afghans but not to the foreign mujahideen?

22 A. Correct.

23 Q. And Bin Laden would have been part
24 of the foreign mujahideen?

1 A. I thought he was very active with
2 the -- the Afghan rebels, and I don't know that I
3 make the distinction between the two.

4 Q. Well, doesn't the U.S. make a
5 distinction between who it supported during that
6 time?

7 A. It supported the Afghan rebels. Bin
8 Laden was fighting with the Afghan rebels, and he
9 was -- he was certainly a visible force and leader
10 in that capacity.

11 Q. So is it your view that the United
12 States during that time was supporting Bin Laden?

13 A. No.

14 Q. Okay. So there is a distinction?

15 A. Okay.

16 Q. And the list was a list of people
17 associated with the funding of the Maktab
18 al-Khidamat, which was Bin Laden's organization,
19 right?

20 A. Right.

21 Q. Together with Abdullah Azzam?

22 A. Right.

23 Q. Looking back to the paragraphs in
24 Mr. Winer's report that you're criticizing him for

1 here, beginning with 6.2.11, this is a quote from
2 a report, isn't it?

3 A. I haven't seen it yet.

4 Q. I think if you look at this entire
5 section beginning with of 6.2, it might help you
6 have some context.

7 A. (Reviews document.)

8 Q. Mr. Lormel, have you had a chance to
9 look at that section?

10 A. There's a lot here. So I'm...

11 Q. Well, I understand the section of
12 Mr. Winer's report from 6.2.1 through 6.2.11 to
13 include excerpted quotes from a report of the UN
14 monitoring group on al-Qaeda and the Taliban; is
15 that correct?

16 A. Yes.

17 Q. So what Mr. Winer is doing here is
18 quoting a UN report, right?

19 A. Yes.

20 Q. And the UN report is the document
21 that included a reference to the Golden Chain,
22 right?

23 A. I don't see it here.

24 Q. It's in 6.2.11.

1 A. Yes.

2 Q. Are you familiar with the second UN
3 monitoring report on al-Qaeda and the Taliban?

4 A. I was familiar that the report was
5 produced. Yes.

6 Q. Were you familiar with the work of
7 the monitoring group?

8 A. Not particularly.

9 Q. Okay. So do you know one way or
10 another whether it was doing good work?

11 A. I can't opine about that.

12 Q. Okay. So you don't have an
13 opinion --

14 A. Yeah.

15 Q. -- about whether or not it was
16 appropriate for Mr. Winer to cite the UN
17 monitoring group report?

18 A. No.

19 Q. And you also make reference to
20 Mr. Winer's Golden Chain reference in paragraph
21 7.5 of his report. Paragraph 7. -- I'm sorry.
22 This might be 7.15.1. Sorry.

23 A. (Reviews document.)

24 Q. Mr. Lormel, have you had a chance to

1 look at this?

2 A. I'm looking at it now.

3 (Reviews document.)

4 Okay.

5 Q. Okay. What is -- what source
6 information is Mr. Winer discussing here?

7 A. It doesn't say.

8 Q. In 7.15, it says:

9 "I have read declassified government
10 documents which I understand to be summaries of
11 interviews between al Fadl and the FBI, which
12 include the following information material to my
13 answer to this question."

14 From that, do you understand that
15 Mr. Winer was reviewing the content of FBI
16 documents concerning an interview of Jamal al
17 Fadl?

18 A. It's what it says here.

19 Q. And are you familiar with the FBI's
20 interviews of Jamal al Fadl?

21 MS. KOWNACKI: Objection.

22 THE WITNESS: I don't recall.

23 BY MR. CARTER:

24 Q. Do you know who Jamal al Fadl is?

1 A. I did.

2 Q. Do you recall whether Jamal al Fadl
3 was a one-time al-Qaeda member who became a
4 cooperating witness for the United States
5 government?

6 A. I don't recall.

7 Q. And you can't --

8 A. I remember the name. I don't
9 recall.

10 Q. And you don't recall whether or not
11 the Department of Justice offered him as a witness
12 in the prosecutions relating to the 1998 Embassy
13 bombings?

14 A. I'm not familiar with that. I don't
15 recall.

16 Q. And you don't know what role Mr. al
17 Fadl held in al-Qaeda?

18 A. As we sit here, I don't recall.

19 Q. And you don't have any basis to
20 assess the credibility of Mr. Fadl's statements
21 reflected in this interview summary?

22 A. No.

23 Q. With regard to the Golden Chain
24 criticisms in your report, I notice that you

1 didn't reference paragraphs 6.13 and 6.14 of
2 Mr. Winer's report where he also refers to the
3 Golden Chain.

4 Are you familiar with those
5 references?

6 A. I certainly read those, the report,
7 put it in my report. You know, he has a lot of
8 context here. So.

9 Q. Okay. Well, let's look at those.

10 A. Uh-huh.

11 Q. 6.13 is in a section of the report
12 dealing with the 9/11 Commission Report and the
13 Terrorist Financing Staff Report, and 6.13 itself
14 says:

15 "In its final report, the 9/11
16 Commission stated bin Ladin and al Qaeda were able
17 to succeed in Afghanistan due to Bin Ladin
18 understanding that he needed 'an increasingly
19 complex, almost worldwide organization' to meet al
20 Qaeda's objectives and needs. It identified his
21 supports -- his support from sympathetic
22 financiers as central to that undertaking, as
23 follows: 'The organization included a financial
24 support network that came to be known as the

1 'Golden Chain,' put together mainly by financiers
2 in Saudi Arabia and the Persian Gulf states.
3 Donations flowed through charities or other
4 nongovernmental organizations (NGOS). Bin Ladin
5 and the 'Afghan Arabs' drew largely on funds
6 raised by the network, whose agents roamed world
7 markets to buy arms and supplies for the
8 mujahideen, or 'holy warriors.'"

9 Do you see that?

10 A. Yes.

11 Q. And do you recall that language from
12 the 9/11 Commission Report?

13 A. Specifically, I don't recall.

14 Q. Okay. And in that section, the 9/11
15 Commission made a specific reference to a Golden
16 Chain?

17 A. Right.

18 Q. And you view the 9/11 Commission
19 Report to be credible?

20 A. Right.

21 Q. And in criticizing Mr. Winer about
22 his use of the "Golden Chain" terminology, you
23 omitted any reference to his citation in this
24 section of his report to the 9/11 Commission

1 Report using that same term, right?

2 MS. KOWNACKI: Objection.

3 THE WITNESS: I wouldn't
4 characterize it that way. I didn't use
5 it, no.

6 My criticisms of the Golden
7 Chain go from my experience. I was
8 tasked with proving the funding. We
9 could not prove that.

10 You could make all these
11 statements. They can be everywhere, but
12 show me anybody who -- who can
13 specifically state that Citizen A who was
14 on this list provided funds directly to.

15 We would have taken it to
16 court had we had that information. We
17 would have made a case. That's one.

18 And then what's the time frame
19 here? Are you talking to monies that are
20 going to Bin Laden in Afghanistan? Or
21 are you talking of monies going to
22 al-Qaeda? Please differentiate because
23 we could never differentiate that.

24 BY MR. CARTER:

1 Q. So -- so let's -- let's address that
2 as well.

3 A. So it's easy to make a lot of
4 statements. It's very difficult to prove it.

5 Q. Well -- well, the 9/11 Commission is
6 cited in your report as an authoritative --

7 A. Right. That doesn't mean --

8 Q. -- source?

9 A. -- I agree with every single word.
10 It doesn't mean I agree with the context. I'm
11 talking in total. So you can nitpick that all you
12 want.

13 Q. Okay. Well, let's look at the 9/11
14 Commission Report that we've already cited on page
15 66.

16 Okay. And this discusses the period
17 subsequent to Bin Laden and al-Qaeda's relocation
18 to Afghanistan from Sudan. So after 1996.

19 A. Where are you?

20 Q. Well, if we go -- let's go back just
21 so we have the context of what period we're
22 talking about.

23 A. Okay.

24 MR. CARTER: Gina, can you

1 page back? Keep going. Keep going.

2 Okay.

3 BY MR. CARTER:

4 Q. We're in Section 2.5 dealing with
5 al-Qaeda's Renewal in Afghanistan in '96 to 1998.

6 Do you agree with me?

7 A. Yes.

8 Q. Okay. And if we then go to page 66,
9 and that period of 1996 to 1998 was after the
10 Afghan Jihad, right?

11 A. Yes.

12 Q. And this is a time period when
13 al-Qaeda was fully formed and operating, right?

14 A. Yes.

15 Q. And about a little more than halfway
16 down the page, the third -- fourth full paragraph.

17 "Bin Ladin eventually enjoyed a
18 strong financial position in Afghanistan, thanks
19 to Saudi and other financiers associated with the
20 Golden Chain. Through his relationship with
21 Mullah Omar -- and the monetary and other benefits
22 that it brought the Taliban -- Bin Ladin was able
23 to circumvent restrictions; Mullah Omar would
24 stand by him even when other Taliban leaders

1 raised objection. Bin Ladin appeared to have in
2 Afghanistan a freedom of movement that he had
3 lacked in Sudan. Al Qaeda members could travel
4 freely within the country, enter and exit it
5 without visas or any immigration procedures,
6 purchase and import vehicles and weapons, and
7 enjoy the use of official Afghan Ministry of
8 Defense license plates. Al Qaeda also used the
9 Afghan state-owned Ariana Airlines to courier
10 money into the country."

11 So this issue with support from the
12 Golden Chain is clearly during the period of
13 al-Qaeda, right?

14 A. Yes.

15 Q. Okay. And if we can, can we go back
16 to the Chapter Notes to Chapter 2. The associated
17 citation for that statement is -- is in Note 77 to
18 the chapter. It's page 470 of the report. There
19 you go.

20 And the 9/11 Commission says:

21 "On Gulf-based donors to Bin Ladin,
22 see Frank G. and Mary S. briefing (July 15, 2003);
23 CIA analytic report, 'Saudi-Based Financial
24 Support for Terrorist Organizations,' CTC

1 2002-40117CH, November 14, 2002."

2 Do you see that?

3 A. Yes.

4 Q. And the CIA analytic report that the
5 Commission directed readers to concerning
6 "Gulf-based donors to Bin Ladin" is one of the CIA
7 reports that Mr. Winer relies on in his report,
8 correct?

9 A. Yes.

10 Q. And that report includes information
11 about Al Rajhi, doesn't it?

12 MS. KOWNACKI: Objection.

13 THE WITNESS: I'd have to
14 look at it. I don't recall off the top
15 of my head.

16 BY MR. CARTER:

17 Q. Okay. In connection with the
18 opinions you were offering about Mr. Winer's
19 references to the Golden Chain, did you take steps
20 to review the 9/11 Commission statements and the
21 sources that it was relying upon?

22 A. No. I relied on my experience. I
23 relied on the fact that we could not establish
24 money -- a money flow from wealthy donors to Bin

1 Laden.

2 Q. When you say you couldn't establish
3 that, what do you mean?

4 A. Prove it.

5 Q. Prove it to the level of
6 satisfaction for a criminal prosecution?

7 A. Prove it anywhere.

8 Well, a number of these people were
9 designated and over time a number of those people
10 who were designated for their support, the
11 designations were lifted.

12 Q. Well --

13 A. I haven't seen any proof.

14 Q. So in terms of designations being
15 lifted, are you referring to someone specific?

16 A. People like Nada Nazradeen. We went
17 and sanctioned a lot of people in part on
18 allegations about contributions. These people
19 were on the Golden Chain. I still haven't seen
20 any of them prosecuted.

21 Q. Okay. The ability to prosecute
22 someone includes the need to --

23 A. Need to have evidence, which isn't
24 there.

1 Q. Well, you say that, but you would
2 also need to be able to exercise jurisdiction over
3 them, correct?

4 A. Yes.

5 Q. And you may need to obtain
6 extradition from a foreign country?

7 A. And there are times when foreign
8 countries asked us for our support, and we
9 couldn't provide the information to them like the
10 Swiss.

11 Q. Well, there could be all kinds of
12 reasons that we couldn't provide --

13 A. Right.

14 Q. -- information to them including --

15 A. Right. Because we didn't have it.
16 That's why.

17 Q. No. There could be ongoing
18 intelligence.

19 A. No, because we didn't have it.

20 Q. At times there are ongoing
21 intelligence equities, aren't there?

22 A. Yes, but at the same time, some of
23 these countries came to us hat in hand looking for
24 information, thinking we had information based on

1 some of this reporting, and the information wasn't
2 there. The evidence wasn't there.

3 You can make these allegations all
4 day-long, and I will agree with you all day-long
5 about the Golden Chain and everything in these
6 reports. That's great. But when push comes to
7 shove, show me the exact evidence. Show me a
8 contribution one of those individuals made. Show
9 it to me.

10 Q. Well, don't you know that it's not

11 --

12 A. No, no, no, no. Show me --

13 Q. Mr. --

14 A. -- the contribution that was made.

15 Q. Mr. Lormel, you've been at this a
16 long time.

17 A. Uh-huh.

18 Q. People actively work to hide
19 contribution to terrorism, don't they?

20 A. Absolutely.

21 Q. And if they --

22 A. And at some point when you accuse
23 people of something, you have to have evidence.
24 You have to have proof. That proof is lacking.

1 Q. Mr. Lormel.

2 A. Believe me, I worked that for over a
3 year. And believe me --

4 Q. Mr. Lormel.

5 A. -- we weren't trying not to find
6 evidence. We were trying to find evidence because
7 if the evidence was there, those people deserve to
8 be prosecuted.

9 Q. And, Mr. Lormel, would the testimony
10 of the al-Qaeda member who served as its financial
11 chief during a period of time be evidence?

12 A. Not necessarily.

13 Q. Could it be?

14 A. I need to see.

15 It could be, yes.

16 Q. And to the extent that the
17 Department of Justice put that person forward in a
18 prosecution it was pursuing, stands to reason they
19 viewed his testimony as evidence, doesn't it?

20 A. I'd have to see the circumstances.
21 I'd have to see what the case was.

22 Q. Okay.

23 MS. KOWNACKI: Can we break
24 for lunch?

1 MR. CARTER: Sure.

2 THE VIDEOGRAPHER: The time is
3 12:55 p.m. We're off the record.

4 (Whereupon, at 12:55 p.m., a
5 luncheon recess was taken.)

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1 AFTERNOON SESSION

2 (1:35 p.m.)

3 DENNIS M. LORMEL

4 called for continued examination and, having been
5 previously duly sworn, was examined and testified
6 further as follows:

7 EXAMINATION (CONTINUED)

8 THE VIDEOGRAPHER: The time is

9 1:35 p.m. We're back on the record.

10 BY MR. CARTER:

11 Q. Mr. Lormel, in your report,
12 principally on pages 19 and 20, you reference the
13 absence of designations of Al Rajhi Bank and Al
14 Rajhi family members.

15 Do you recall that?

16 A. Give me a second, please.

17 Q. Sure.

18 A. 19 and 20?

19 Q. Yes.

20 A. Yes, I recall.

21 Q. And you use at times the term
22 "sanctions"?

23 A. Yes.

24 Q. Okay. What type of sanctions were

1 you referring to?

2 A. I mean, just where specifically is
3 that? If you don't mind.

4 Q. Well, if you go to the heading of
5 the section, I think, on page 18.

6 A. Okay.

7 Q. I'm sorry. Yeah.

8 "Intelligence in the CIA reports did
9 not result in criminal cases or sanctions against
10 the Al Rajhi Bank or the Al Rajhi family."

11 Do you see that?

12 A. Oh, yes, yes. I'm sorry.

13 Q. Okay. And criminal cases I
14 understand.

15 When you refer to "sanctions," what
16 are you using that term to refer to?

17 A. To OFAC sanctions or -- I think
18 because we worked with OFAC, you know, kind of an
19 OFAC sanctioning.

20 Q. And OFAC refers to the --

21 A. I'm sorry.

22 Q. -- Office of Foreign Assets Control?

23 A. Yes.

24 Q. And that is a component of the

1 Treasury Department?

2 A. Yes.

3 Q. And is that component of the
4 Treasury Department responsible for implementing
5 certain terrorist sanctions and designation
6 programs?

7 A. Yes.

8 Q. And what designation program, if you
9 know, would be relevant to any potential action
10 against Al Rajhi Bank or the Al Rajhi family?

11 MS. KOWNACKI: Objection.

12 You can answer if you know.

13 THE WITNESS: Any type of
14 designation, whether it be State
15 Department or Treasury. If -- especially
16 OFAC, if they were going to sanction Al
17 Rajhi, that would preclude Al Rajhi from
18 doing any business in the United States,
19 and it would effectively put them out of
20 business.

21 BY MR. CARTER:

22 Q. And in terms of the sanctions you're
23 referring to, you reference, I believe, State
24 Department sanctions and Treasury Department

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1 sanctions --

2 A. Yes.

3 Q. -- right?

4 A. Yes.

5 Q. Okay. What -- what State Department
6 sanctions programs would potentially have been
7 available as to Al Rajhi Bank or the Al Rajhi
8 family?

9 A. Designating them -- designating them
10 as a terrorist or terrorist organization. I'm
11 sorry. Terrorist, or support of, whatever the
12 term is. D -- I don't recall the exact term.

13 Q. Is there a State Department run
14 program for designating supporters of terrorism?

15 A. I believe so, yeah.

16 Q. Do you know what that program is?

17 A. Off the top of my head, I don't. I
18 don't recall by names, no.

19 Q. And when you refer to "supporters of
20 terrorism," are you distinguishing supporters from
21 the terrorist organizations themselves?

22 A. Yes.

23 Q. So it's your understanding --

24 A. So certainly you designate a

1 terrorist organization. People, you know, for
2 instance, most recently designations against
3 individuals that were Hezbollah or Hamas members.

4 Q. It's your understanding that during
5 the post 9/11 time period, there was a State
6 Department run designation program that would be
7 applicable to persons who supported terrorism?

8 A. Yes. I wasn't involved, you know,
9 with the sanctioning. We -- with the State
10 Department. We worked closely with -- with OFAC.

11 Q. And, again, OFAC is the Office of
12 Foreign Assets Control?

13 A. Yeah, and I think if I may go back
14 here in talking about imposing sanctions.

15 Never mind. I just looked at
16 something. I was going to include regulatory
17 actions there, but I mention that separate from
18 the sanctions.

19 Q. And I'm just trying to get a sense
20 what is encompassed when you use the term
21 "sanctions."

22 A. Well, in the terms I'm using them,
23 it's as a mechanism of seizing or freezing assets
24 mostly.

1 Q. And there are programs run by the
2 United States government pursuant to which
3 entities can be designated?

4 A. Yes.

5 Q. And I think we've already
6 established, it's your understanding that there
7 was a program run by the State Department for
8 designating individuals or entities as supporters
9 of terrorism?

10 A. Yes.

11 Q. Was there a program run by the
12 Treasury Department for imposing designations?

13 A. Yes, the sanctions program.

14 Q. Do you recall what sanctions program
15 was run under the auspices of the Treasury
16 Department that could potentially have been
17 available as to Al Rajhi Bank or Al Rajhi family
18 members?

19 A. Specifically, I couldn't tell you
20 the name.

21 Q. Did the Treasury Department have
22 primary responsibility for overseeing the
23 designation program it ran?

24 A. Yes.

1 Q. Is designation the only potential
2 tool available to the United States to address a
3 party's perceived involvement in supporting
4 terrorism?

5 MS. KOWNACKI: Objection.

6 THE WITNESS: No. Excuse me.

7 Certainly, if -- if we could take a law
8 enforcement action, there would be a law
9 enforcement action. We would certainly
10 do it with, if it's, like, in Saudi
11 Arabia in concert with the Saudis.

12 BY MR. CARTER:

13 Q. You reference in your report
14 involvement with something called a policy
15 coordinating committee?

16 A. Yes.

17 Q. What was that?

18 A. The government had a number of
19 different committees that came under the deputy
20 director. So the principals committee. So there
21 was hearings, and the policy coordinating
22 committee was a subcommittee of -- of that group.
23 We called it the policy coordinating committee for
24 terrorist financing.

1 So it was the U.S. government
2 agencies that had responsibility for -- for
3 different aspects of terrorist financing, and it
4 was -- it was -- it was very good because it
5 involved law enforcement, your intelligence
6 community, your regulators, OFAC from a
7 sanctioning standpoint, State Department, and the
8 military, DOD.

9 Q. And did that eventually evolve into
10 a process that was overseen by the National
11 Security Council and the White House?

12 A. Yes.

13 Q. Was the NSC role in overseeing the
14 policy coordinating committee something that
15 happened while you were at the FBI or after?

16 A. No. While I was at the FBI, as I
17 said, before I formed the Terrorist Financing
18 Operations Section. Whatever -- whatever the
19 committee was prior to that, a representative from
20 the counterterrorism division represented the FBI
21 and different agencies had different
22 representatives.

23 Following 9/11, David Aufhauser, who
24 was the general counsel to the Treasury

1 Department, took an extremely active role, and he
2 basically became the -- nobody had -- I mean, it
3 was to your point under the NSC.

4 Aufhauser took a leadership role and
5 he was the driving force that brought us together
6 and focused specifically on terrorist financing,
7 9/11, terrorist financing threats going forward,
8 and the idea was to identify the most significant
9 financial targets we had in the United States.

10 So identify them collectively and
11 then to determine the best strategies to go after
12 them. Was it a law enforcement strategy? Was it
13 an intelligence strategy? Was it sanctions or
14 some other type of regulatory action? Way beyond
15 my -- my -- my scope or interest was the military,
16 their involvement.

17 And they became a very big asset to
18 us when we invaded Iraq by virtue of having given
19 us resources to different types of information.

20 But getting back to the specific
21 point, we collectively had a kind of a matrix of
22 financial targets that we were looking at.

23 Q. Is it fair to say that the policy
24 coordinating committee brought together different

1 agencies that had equities with regard to
2 terrorist financing issues for purposes of
3 coordinating the best possible tool to use with
4 regard to a terrorist financing target?

5 A. Yes.

6 MS. KOWNACKI: Objection.

7 BY MR. CARTER:

8 Q. And the State Department had a seat
9 at that table?

10 A. Yes.

11 Q. Is that because at times these
12 issues implicated foreign policy and diplomatic
13 equities?

14 A. Yes.

15 Q. How many policy coordinating
16 committee meetings did you attend?

17 A. I believe the major, I mean, the
18 overall body, the policy coordinating committee,
19 we met early on when we started that a weekly
20 basis. Later on possibly further out.

21 I was also part of a group, a
22 subgroup within the policy coordinating committee,
23 which was Aufhauser, the NSC, my counterpart at
24 the CIA, myself, and the State Department, and we

1 would meet every Wednesday.

2 Q. Were there discussions at those
3 policy coordinating committee meetings that you
4 attended concerning recommendations for possible
5 designations under Treasury Department run
6 sanctions programs?

7 A. Yes.

8 Q. And were there discussions at those
9 meetings that you recall concerning possible
10 recommendations of designations of Saudi-based
11 entities?

12 A. Saudi-based entities and
13 individuals, yes.

14 Q. And within the context of those
15 discussions, was there a dialogue about whether or
16 not designation was the appropriate tool?

17 MS. KOWNACKI: Objection.

18 Form.

19 THE WITNESS: Yes.

20 BY MR. CARTER:

21 Q. Do you recall whether you
22 participated in discussions about the designation
23 of Al-Haramain or any of its branches?

24 A. I was involved, yes.

1 Q. Did you participate in discussions
2 about designation of Aqil Al-Aqil, the director of
3 Al-Haramain?

4 A. I don't recall Aqil. I recall us
5 discussing Al-Haramain. I recall discussions on
6 other prominent individuals. We may have
7 discussed Aqil. I just -- I -- as we're sitting
8 here, I can't recall.

9 Q. Do you recall participating in
10 discussions concerning the International Islamic
11 Relief Organization?

12 A. I don't specifically recall, but I
13 believe we did.

14 Q. What about the World Assembly of
15 Muslim Youth?

16 A. I don't recall.

17 Q. With regard to the Al-Haramain
18 discussions you recall, when did those take place?

19 A. That would have --

20 MS. KOWNACKI: Objection. Can
21 you clarify Al-Haramain more
22 specifically?

23 MR. CARTER: I'm going to ask
24 him.

1 MS. KOWNACKI: Okay.

2 MR. CARTER: I can't clarify
3 specifically until he tells me who they
4 discussed.

5 MS. KOWNACKI: Okay.

6 THE WITNESS: Please ask me
7 again the question.

8 BY MR. CARTER:

9 Q. With regard to the discussions about
10 Al-Haramain --

11 A. Yeah.

12 Q. -- when do you recall those taking
13 place?

14 A. I don't recall specific dates, but
15 early in the process when we got together,
16 Al-Haramain was clearly of interest and beyond my
17 responsibility there. I know that worked into
18 that group and I'm sure outside of that group were
19 efforts by the State Department, Treasury -- State
20 and Treasury for the most part and different
21 components of State and Treasury -- working on the
22 Al-Haramain issue and then working with the Saudis
23 on that.

24 Q. What was the nature of their work

1 with the Saudis that you were aware of?

2 A. Well, there were a couple of issues
3 and it went beyond Al-Haramain.

4 One issue was the level of cash
5 contributions and -- and the lack of
6 accountability for the cash contributions being
7 made and, more concerningly, the cash
8 contributions being siphoned from wherever they
9 were supposed to go.

10 I mean, when you look at it,
11 charities like Al-Haramain, IIRO, all of those
12 charities all had a humanitarian need, and they
13 did provide needed -- needed relief and needed
14 services.

15 Unfortunately, we were concerned
16 about where monies were going to al-Qaeda or to
17 other terrorist organizations.

18 Q. Did you directly participate in any
19 discussions with Saudi officials about how to
20 address those problems?

21 A. With the Saudis? I don't believe I
22 was involved in any. Certainly, there were a
23 couple of trips that were taken by representatives
24 from NSC. Townsend when she came onboard. And

1 I'm sorry. I'm missing her first name. I should
2 know that. I worked with her closely.

3 But when she came in as the National
4 Security Advisor, or whatever the role was in NSC,
5 Aufhauser had been the face of that working group.
6 When Townsend came in, she took that over and she
7 -- Aufhauser dealt directly with the Saudis.
8 Townsend worked and dealt directly with the
9 Saudis.

10 I may have had some input when
11 Aufhauser was doing it. I know when Townsend came
12 in, there was a major push for her to go to Saudi
13 Arabia, and we met with her up to the run-up to
14 her trip on that. And she wanted me to go, and I
15 didn't go. I may have sent somebody to go with
16 her, but that was really the purpose.

17 That trip was more the Treasury side
18 of it, not us.

19 Q. You're referring to Fran Townsend?

20 A. Yes, thank you.

21 Q. And do you recall whether Richard
22 Newcomb from the Treasury Department was also
23 involved with engagements with the Saudis during
24 the time period?

1 A. I recall Newcomb was the head of
2 OFAC. He was certainly at the broad meetings we
3 had. He wasn't part of the smaller working group
4 that we did. He would have certainly been engaged
5 in -- in the conversations regarding those trips.
6 I don't specifically recall if he went, but he
7 could have.

8 Q. What about Zarate?

9 A. Yes, Zarate was. He -- he worked at
10 the time I was there. Zarate worked for Jimmy
11 Gurulé, and Jimmy Gurulé was going all over the
12 place and Zarate would go with him either with,
13 you know, in tandem as a group, as we were
14 supposed to be, or Gurulé liked to go rogue, so to
15 speak, and go out on his own.

16 Q. In this period following 9/11, based
17 on your experience, was the U.S. government
18 placing considerable emphasis on securing Saudi
19 cooperation in addressing terrorism financing
20 issues?

21 A. Yes.

22 Q. Why?

23 A. Well, a number of the 19 hijackers
24 were Saudi citizens. The Saudi funding, the

1 funding sources, the wealthy donors in particular,
2 the charities we were concerned about. There was
3 a lot of emphasis on cooperation, and we knew that
4 we needed -- we needed to be able to work through
5 Saudi Arabia and in Saudi Arabia.

6 And so, you know, the Saudis by
7 nature are nontransparent and that's a cultural
8 thing, but they were very protective of the royal
9 family. So any negotiations with the Saudis was
10 very tenuous.

11 Anytime they thought that there was
12 focus or potential embarrassment to the royal
13 family, it became more difficult, and our focus
14 was not on that. Our focus or my focus
15 particularly was to follow the money right from
16 day one.

17 I met with the Saudis. In fact, I
18 briefed Bandar, and the other gentleman at the
19 time, Al-Jubeir.

20 Do you know who I'm referring to?

21 Q. I do. Adel Al-Jubeir?

22 A. Al-Jubeir. Yes. Yes.

23 In the aftermath of 9/11, Dale
24 Watson, who was the assistant director in charge

1 of counterterrorism, and Louis Freeh at the time
2 when Louis was the director -- obviously, Mueller
3 came in just before 9/11 -- they had a very good
4 working relationship with Bandar and the Saudis.
5 So they had a direct line with -- with them.

6 And I remember in the days after
7 9/11, especially when a lot of the allegations
8 were flying about the Saudis, Bandar came to FBI
9 headquarters with Jubeir. And he had a
10 contingent, and I specifically sat and briefed
11 them for quite a while at what we were doing in
12 terrorist financing and the cooperation we needed.

13 At least on our side from the law
14 enforcement standpoint. That was totally away
15 from what the policy coordinating committee did
16 and the other agencies in -- in the work that they
17 were doing.

18 And then as I got engaged with the
19 terrorist financing with the policy coordinating
20 committee, Aufhauser was out in front, and so we
21 didn't do anything around that and allowed
22 Aufhauser to go in his direction.

23 Q. Do you know from the work that you
24 were doing whether or not the Treasury Department

1 was placing emphasis on trying to get the Saudis
2 to engage in joint action with the United States
3 on terrorism financing issues?

4 A. They certainly wanted cooperation.
5 To the extent that we saw in the Zarate cable, I'm
6 not sure to that extent. But, yes, they -- we
7 definitely wanted. The Treasury wanted
8 cooperation with the Saudis. They wanted the
9 Saudis to openly take action and -- and certainly
10 in the area of the charities and our concern about
11 the cash contributions.

12 Q. Given those goals, is it fair to say
13 that how the Saudis would react to U.S. actions
14 was a relevant consideration in what the U.S.
15 decided to do?

16 MS. KOWNACKI: Objection.

17 THE WITNESS: Certainly with
18 the State Department involved. The State
19 Department, my own personal view, were
20 very good defense lawyers for everybody
21 outside the U.S.

22 So, yes, in that standpoint,
23 they had that, and that's why this policy
24 coordinating committee worked.

1 Because you had them
2 representing their perspective, and
3 everybody else at the table had a
4 perspective, and those were all brought
5 to bear.

6 Now, if you're asking would
7 they have caved to Saudi pressure about
8 any particular individuals or entities
9 that we wanted to investigate, especially
10 in the aftermath of 9/11 early on, no.

11 We would have -- we would have
12 gone forward as that relationship
13 progressed. I'm sure relationships
14 progressed and especially after I left,
15 and I can't answer what happened.

16 At the time period I was
17 there, if we had a smoking gun, so to
18 speak, that anyone was involved in
19 especially in supporting 9/11, I firmly
20 believe actions would have been taken
21 against them regardless of the political
22 outcry.

23 If you recall in September,
24 September 28th or something thereabout,

1 Bush had the press conference in the Rose
2 Garden and he said, "You're either with
3 us or against us."

4 I had extensive experience
5 working international cases, and even
6 with our best friends, cooperation could
7 be tenuous. There was always an
8 impediment.

9 And when Bush made that
10 announcement and he said, "You're with us
11 or against us," those impediments went
12 away in at least for a short period of
13 time.

14 And I can't give you a
15 definition of, okay, on this date, State
16 Department was going to be stronger and
17 push back on what we were doing versus
18 this date.

19 But I can say while I was
20 involved at that point, I think we would
21 have gone forward regardless of the
22 Stata's concerns on some of these issues.

23 BY MR. CARTER:

24 Q. Well, when you say "we would have

1 gone forward" --

2 A. The government.

3 Q. -- you're talking about
4 investigations?

5 A. No, no, no. The U.S. government.
6 If you --

7 Q. Well, let's talk about specifically
8 a designation.

9 A designation is just one tool to
10 address --

11 A. Yes.

12 Q. -- the terrorist financing problem,
13 correct?

14 A. Correct.

15 Q. And a designation may from the
16 perspective of the State Department very well
17 raise diplomatic considerations, correct?

18 A. Yes.

19 Q. And those could include diplomatic
20 considerations concerning adverse effects on the
21 cooperation from the affected government, right?

22 A. Yes.

23 Q. And those were, in fact, significant
24 considerations after 9/11 vis-a-vis the Saudis,

1 weren't they?

2 MS. KOWNACKI: Objection.

3 THE WITNESS: In general,
4 yes. I don't know specifics on that.

5 BY MR. CARTER:

6 Q. You don't know specifics because you
7 weren't directly involved?

8 A. Yes, I wasn't involved. Certainly,
9 on that -- on that level.

10 MR. CARTER: If we can mark as
11 the next exhibit 13, Tab 13. It's
12 transcript of May 18, 2012 Congressional
13 hearing.

14 (Document marked for
15 identification as Lormel Exhibit 17.)

16 BY MR. CARTER:

17 Q. And the title of the hearing was
18 "Terrorist Financing Since 9/11: Assessing An
19 Evolving Al-Qaeda and State Sponsors of
20 Terrorism."

21 Mr. Lormel, do you recall
22 participating in this Congressional hearing?

23 A. I participated in a number of
24 hearings. If I saw this a little further, I could

1 tell you.

2 Q. Well, if we go to page -- bottom of
3 page 2 and the top of page 3, there's a list of
4 witnesses. I think I see your name at the top of
5 page 3.

6 MR. CARTER: The next page,
7 Gina.

8 THE WITNESS: Okay. Yes,
9 there it is.

10 BY MR. CARTER:

11 Q. Okay. So based on that, it appears
12 you participated in this one?

13 A. Yes.

14 Q. And just turning -- unfortunately,
15 these aren't -- aren't designated by page numbers
16 on the version we have.

17 Do you recall responding to written
18 questions after this hearing?

19 A. I don't specifically recall, but I
20 probably did. Because in most hearings I
21 testified in, I got written questions after the
22 fact.

23 Q. And in this case, I believe that we
24 have questions from Chairman Patrick Meehan for

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1 Dennis M. Lormel. See if we can find that.

2 A. Okay.

3 MR. CARTER: Gina, do you have
4 a way to search the document?

5 TRIAL TECH: Yes, I just need
6 to do at the top.

7 So the document is OCR. So I
8 don't OCR.

9 MR. CARTER: Okay. We're
10 going to go, Gina, to the page 35 of the
11 PDF.

12 No, that's not it.

13 BY MR. CARTER:

14 Q. 40. Sorry. Apologize for this
15 delay, Mr. Lormel.

16 A. Oh, please.

17 MR. CARTER: And, Gina, if we
18 can just go back from there one, two
19 pages.

20 Sorry. Forward one. And
21 forward one more. Oops. Sorry. Stay
22 there.

23 BY MR. CARTER:

24 Q. So, Mr. Lormel, this is the section

1 giving your answers to Mr. Meehan's questions.

2 And question 2 he posed to you was:

3 "President Obama recently signed an
4 Executive Order allowing the Treasury Department
5 to freeze U.S.-based assets of persons who the
6 White House has identified as a 'threat to the
7 peace, security, and stability' of Yemen.

8 "Do you think this is an effective
9 use of the designation authority? Especially when
10 a group such as Boko Haram -- who have killed
11 thousands of civilians that are in constant
12 contact with AQIM -- remain undesignated?"

13 And the response you say:

14 "I believe sanctions and
15 designations are one tool of many that should be
16 employed to combat terrorists."

17 Sorry. This is -- this is the wrong
18 one. Sorry. This is not his response. Scratch
19 that.

20 A. No, I think that --

21 Q. No, it's the same question --

22 A. Oh.

23 Q. -- but it's someone else's response
24 to the question.

1 It's the same question, Mr. Lormel.
2 I'm just going to read to you, and we'll figure
3 out exactly where it is.

4 MS. KOWNACKI: I think he
5 should have his full answer in front of
6 him for context. Can we find the right
7 one?

8 MR. CARTER: Okay. Scott, can
9 we find the place where it says this?

10 MS. PRITSKER: Let me see.

11 MR. CARTER: Okay. It's page
12 50 of the PDF.

13 BY MR. CARTER:

14 Q. It's the same question.

15 "Do you think this is an effective
16 use of the designation authority?"

17 And your answer is:

18 "If evidence exists to support
19 designations, I am an ardent supporter for the
20 designation process. Such actions disrupt funding
21 flows and serve as a deterrent. Boko Haram is a
22 violent and dangerous group. They have been very
23 active and pose a formidable threat in Nigeria.
24 With respect to designating other groups, I would

1 not make designation decisions by comparing one
2 group, such as Boko Haram, to other groups. A
3 number of factors must be taken in consideration
4 in the decision process to include the level of
5 overall terrorist threat, threat to the United
6 States, diplomatic considerations, and the need to
7 continue the classification and protection of
8 intelligence information."

9 Do you see that?

10 A. Yes.

11 Q. And do you agree with everything you
12 said there?

13 A. Yes.

14 Q. Your report expresses the view that
15 if evidence had existed, you believe that the U.S.
16 government would have imposed sanctions on Al
17 Rajhi Bank, correct?

18 A. Yes.

19 Q. And by that do you mean that the
20 U.S. government would have designated the bank?

21 A. Possibly. I think I meant beyond
22 that. Also some type of deferred prosecution or
23 some sort of action, whether it's sanctions or
24 regulatory.

1 Q. Is it possible that the United
2 States government decided that the better approach
3 was to work with the Saudi government to try and
4 reform the bank?

5 A. It's possible. I'm not going to
6 speculate on that, but that's possible.

7 Q. Do you know whether Al Rajhi Bank at
8 the time was one of Saudi Arabia's largest banks?

9 A. I believe it was, yes.

10 Q. And I think you said previously that
11 designating the bank could potentially put it out
12 of business?

13 A. Yes.

14 Q. And doing something like that could
15 have significant impact on the Saudi economy and
16 banking sector, couldn't it?

17 MS. KOWNACKI: Objection.

18 THE WITNESS: Yes.

19 BY MR. CARTER:

20 Q. It could have impacts on depositors,
21 couldn't it?

22 MS. KOWNACKI: Objection.

23 THE WITNESS: Yes.

24 BY MR. CARTER:

1 Q. So it's a relatively significant and
2 complicated question, isn't it?

3 A. Yeah. Very complicated and the
4 people that died in the World Trade Center, that
5 was very complicated as well. And I believe that
6 if there was evidence, especially if there was
7 some sort of smoking gun, that wouldn't matter.

8 Q. Well, we actually do have evidence
9 that the State Department or that the U.S.
10 government through Treasury was trying to
11 encourage the Saudis to pursue a joint review of
12 the bank's activities, weren't they?

13 A. In that -- in that document that you
14 showed, the Zarate document, yes.

15 Q. You weren't directly involved in any
16 of the discussions between the United States and
17 Saudi Arabia about how to handle the issues
18 concerning Al Rajhi Bank, were you?

19 A. No.

20 Q. On page 20 of your report, you
21 express a similar opinion that the absence of
22 designations of -- sorry, 19 to 20 -- that the
23 absence of evidence -- alleged absence of evidence
24 is also the reason that designations weren't

1 imposed against the Saudi charity headquarters in
2 the aftermath of 9/11.

3 Do you see that?

4 A. Yes.

5 Q. Did you participate in discussions
6 with the Saudis about those issues?

7 A. Directly, no.

8 Q. Do you happen to know whether or not
9 any of the charities that Treasury was concerned
10 about had connections to the Saudi royal family?

11 A. No.

12 MS. KOWNACKI: Objection.

13 BY MR. CARTER:

14 Q. You said earlier that actions that
15 potentially implicated the interests of the Saudi
16 royal family were particularly sensitive; is that
17 correct?

18 A. Yes.

19 Q. And you go on to say that:

20 "Al Haramain was eventually
21 sanctioned by the United States, but not until
22 much later in 2008, further illuminating the point
23 that any factual basis for this designation did
24 not come to light even for the U.S. government

1 until many years after 9/11."

2 Do you see that?

3 A. Yes.

4 Q. Is it your understanding that the
5 U.S. government did not have factual information
6 to support the designation of Al-Haramain
7 headquarters until 2008?

8 A. No, before. My recollection is that
9 it was, oh, earlier than that, and the Saudis took
10 action against Al-Haramain.

11 Q. The Saudis in cooperation with the
12 United States --

13 A. Yes.

14 Q. -- functionally shut down
15 Al-Haramain in 2004, right?

16 A. Yes.

17 Q. And so it wasn't really necessary to
18 designate the headquarters at that point because
19 it had been neutralized, right?

20 MS. KOWNACKI: Objection.

21 THE WITNESS: I'm sorry.

22 Repeat that.

23 BY MR. CARTER:

24 Q. Once it was shut down, a designation

1 of the headquarters wasn't really necessary as a
2 matter of dealing with a counter-terrorist
3 financing threat because they had been
4 neutralized?

5 A. Yes.

6 Q. Okay. So the delay in designating
7 the headquarters in 2008 had nothing to do with a
8 lack of evidence?

9 MS. KOWNACKI: Objection.

10 THE WITNESS: I'm not going
11 to say that. I don't know, but I know by
12 2008 Al-Haramain was a problem again and
13 caused the designation.

14 BY MR. CARTER:

15 Q. And do you recall when the United
16 States designated Aqil Al-Aqil, the director of
17 Al-Haramain?

18 A. It might have been 2004 time frame.
19 I don't recall specifically.

20 MR. CARTER: And if we can,
21 can we pull up the Aqil designation memo
22 from the Treasury Department that's at
23 Tab 6.

24 (Document marked for

~~This transcript contains Confidential Material~~

1 identification as Lormel Exhibit 18.)

2 BY MR. CARTER:

3 Q. And this is the Treasury Department
4 press release concerning --

5 A. Okay.

6 Q. -- the designation of Aqil Al-Aqil.
7 Do you see that?

8 A. Yes.

9 Q. And it's dated June 2, 2004,
10 correct?

11 A. Yes.

12 Q. And on the third page under the
13 summary relating to Aqeel Abdulaziz Al-Aqil, it
14 said:

15 "These activities within the
16 Al-Haramain branches took place under the control
17 of Aqeel Abdulaziz Al-Aqil, the founder and
18 long-time leader of AHF and a suspected Al Qaida
19 supporter. Al-Aqil has been identified as AHF's
20 Chairman, Director General and President in a
21 variety of sources and reports. As AHF's founder
22 and leader, Al-Aqil controlled AHF and was
23 responsible for all AHF activities, including its
24 support for terrorism. Having been under

1 investigation in late 2003, by March 2004 Al-Aqil
2 was reportedly no longer leading AHF activities;
3 however, some reports indicate Al-Aqil may still
4 be in a position to exercise control or influence
5 over AHF.

6 "When viewed as a single entity, AHF
7 is one of the principal Islamic NGOs providing
8 support for the al Qaida network and promoting
9 militant Islamic doctrine worldwide. Under Al
10 Aqil's leadership of AHF, numerous AHF field
11 offices and representatives operating throughout
12 Africa, Asia, Europe and North America appeared to
13 be providing financial and material support to the
14 al Qaida network."

15 You see all that?

16 A. Yes.

17 Q. So by this date, the U.S.
18 government, obviously, had a basis to take down
19 the head of the entire organization, right?

20 A. Correct.

21 Q. And is it your understanding Aqil
22 also controlled the headquarters?

23 A. Yes.

24 Q. In terms of the charities at issue

1 here, we had mentioned the International Islamic
2 Relief Organization as well.

3 Do you recall that?

4 A. Yes.

5 Q. Do you know whether the United
6 States government ever took action to designate
7 any components of the IIRO?

8 A. Offhand, no.

9 Q. Your -- your report addresses an
10 absence of designations of the charities
11 headquarters, doesn't it?

12 A. Yes.

13 Q. Okay. Do you happen to know whether
14 or not the U.S. government ever took action to
15 sanction a senior official of one of the IIRO's
16 branches in Saudi Arabia?

17 A. I don't recall.

18 MR. CARTER: If we can mark as
19 the next exhibit the designation memo at
20 Tab 16.

21 (Document marked for
22 identification as Lormel Exhibit 19.)

23 BY MR. CARTER:

24 Q. This is from August of 2006.

1 "Treasury additionally designated
2 Abd Al Hamid Sulaiman Al-Mujil, the Executive
3 Director of the Eastern Province Branch of IIRO in
4 the Kingdom of Saudi Arabia.

5 "'Abd Al Hamid Sulaiman Al-Mujil, a
6 high-ranking IIRO official in Saudi Arabia, has
7 used his position to bankroll the al Qaida network
8 in Southeast Asia. Al-Mujil has a long record of
9 supporting Islamic militant groups, and he has
10 maintained a cell of regular financial donors in
11 the Middle East who support extremist causes,'
12 said Stuart Levey, Treasury's Under Secretary for
13 Terrorism and Financial Intelligence."

14 You see that?

15 A. Yes.

16 Q. And you knew Mr. Levey?

17 A. Yes. When he was in DOJ, Department
18 of Justice, and when he first got appointed to his
19 Treasury position, he -- he asked me for some help
20 in -- in how he was going to approach that
21 organization in terms of setting it up.

22 Q. And moving down further, under the
23 heading "Identifier Information: Abd Al Hamid
24 Sulaiman Al-Mujil."

1 It says that:

2 Abd Al Hamid Sulaiman Al-Mujil is
3 the Executive Director of the IIRO Eastern
4 Province, branch office in the Kingdom of Saudi
5 Arabia. Al-Mujil has been called the 'million
6 dollar man' for supporting Islamic militant
7 groups.

8 "Al-Mujil provided donor funds
9 directly to al Qaida and is identified as a major
10 fundraiser for the Abu Sayyaf Group and Jemaah
11 Islamiyah."

12 You see that?

13 A. Yes.

14 Q. So on the basis of this, the U.S.
15 government did take action against a senior
16 official of the IIRO in Saudi Arabia, correct?

17 A. Correct.

18 MR. GRYSKIEWICZ: Objection as
19 to form.

20 BY MR. CARTER:

21 Q. Earlier you mentioned -- we
22 discussed the joint FBI/CIA assessment of Saudi
23 support for terrorism?

24 A. Yes.

1 MR. CARTER: And I think we
2 marked that as an exhibit, and we can
3 pull that up and that was from December
4 2004.

5 Gina, it's number 17. Sorry
6 about that.

7 TRIAL TECH: Exhibit 17 or
8 Tab 17?

9 MR. CARTER: Sorry. It's
10 Tab 17. It was Lormel 9, I think.

11 BY MR. CARTER:

12 Q. And turning to what's listed as
13 page 5 of this document and the second bullet
14 point.

15 "In early 2003, KSM" -- which refers
16 to Khalid Sheikh Mohammed -- "identified an
17 individual named Bin Jiluwi, who may be
18 identifiable with Turki Bin Fahd Jiluwi, an
19 important al-Qa'ida donor who hails from a minor
20 line in the Saudi royal family. Separate
21 sensitive reporting indicates that Bin Jiluwi is a
22 key leader of the Eastern Province office of the
23 International Islamic Relief Organization (IIRO),
24 an NGO. According to foreign government service

1 sensitive reporting, Riyadh suspects Bin Jiluwi
2 has embezzled more than \$3 million from IIRO. The
3 Mabahith has been investigating his activities."

4 Do you see that?

5 A. Yes.

6 Q. And this information concerning the
7 potential involvement in this Bin Jiluwi person
8 associated with the IIRO and supporting al-Qaeda
9 was not known to you when you wrote your report?

10 MS. KOWNACKI: Objection.

11 THE WITNESS: I don't recall
12 this. I mean, I reviewed this document.
13 I don't recall this.

14 BY MR. CARTER:

15 Q. Okay. It appears based on the
16 content of the document that the U.S. government
17 was working with the Saudi government to
18 neutralize Jiluwi.

19 Do you agree?

20 MS. KOWNACKI: Objection.

21 MR. GRYSKIEWICZ: Objection to
22 form.

23 THE WITNESS: Yes.

24 BY MR. CARTER:

1 Q. And that would be one way to deal
2 with the problem of Jiluwi that would be different
3 from designating him, right?

4 MS. KOWNACKI: Objection.

5 THE WITNESS: Yes.

6 BY MR. CARTER:

7 Q. Mr. Lormel, in your report -- I
8 don't have the specific cite in front of me -- I
9 believe there's indication that Al Rajhi Bank only
10 had accounts for the Saudi offices of the
11 charities at issue.

12 Do you recall that?

13 A. Yes.

14 But do you have that where I can see
15 it in full context?

16 Q. I do and, unfortunately, I lost my
17 place.

18 Okay. On page 28, you say:

19 "Winer does not allege that Al Rajhi
20 Bank held accounts for distant branches of the
21 subject charities. But he nevertheless conflates
22 those distant branches with the Saudi branches for
23 which the bank did hold accounts."

24 Do you see that statement?

1 A. Where are you? I'm sorry.

2 Q. I'm sorry. On page 28.

3 A. Yeah. Where about?

4 Q. Oh. The last paragraph on that page
5 beginning with the second sentence.

6 A. Right. Got it.

7 Q. In connection with stating that
8 opinion, did you review Know Your Customer
9 information from Al Rajhi Bank for the charities'
10 accounts to ascertain what they were opened for?

11 A. No, I did not.

12 Q. Are you aware that some of that
13 information has been provided by the bank?

14 A. Yes.

15 MR. CARTER: And if we can
16 mark as the next exhibit the document at
17 Tab 24, which is an Al Rajhi Bank
18 document that was produced at ARB 38116.

19 (Document marked for
20 identification as Lormel Exhibit 20.)

21 BY MR. CARTER:

22 Q. This is a list of certain
23 Al-Haramain accounts at Al Rajhi Bank.

24 Have you seen this document before?

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1 A. No.

2 MS. KOWNACKI: Objection.

3 This is, at a minimum, a translation of
4 that document.

5 MR. CARTER: I'm sorry. What?

6 MS. KOWNACKI: At a minimum,
7 it's a translation of the document you're
8 describing.

9 BY MR. CARTER:

10 Q. Okay. This is a translation of an
11 Al-Haramain Foundation account related document
12 produced by Al Rajhi Bank.

13 And you haven't seen this document
14 before?

15 A. I don't believe so.

16 Q. And just to draw your attention,
17 number 2 references an account for Asia Committee,
18 and the associated statement refers to Palestine
19 and Chechnya.

20 Number 5 refers to the Europe
21 Committee and refers to Albania, Bosnia, Kosovo.

22 Skipped number 4 which is Africa
23 Committee.

24 Number 7 is "Zakat outside of the

1 Saudi Kingdom."

2 Do you see those?

3 A. Yes.

4 Q. Based on those, does it appear that
5 the accounts in Saudi Arabia were being used to
6 support Al-Haramain activities outside of the
7 Kingdom?

8 MS. KOWNACKI: Objection.

9 THE WITNESS: I'd want to see
10 more documentation.

11 BY MR. CARTER:

12 Q. But you didn't look for that
13 documentation for purposes of your report?

14 A. No.

15 MR. CARTER: If we can mark
16 the next exhibit the discovery document
17 at Tab 25.

18 (Document marked for
19 identification as Lormel Exhibit 21.)

20 BY MR. CARTER:

21 Q. This is a translation of two pages
22 that the bank produced us in discovery. The first
23 is a letter from Aqil Al-Aqil which begins:

24 "Please find enclosed herewith a

1 statement of the numbers of the Al-Haramain
2 Islamic Foundation's accounts with you."

3 This is dated to 1994.

4 Do you see that?

5 A. Yes.

6 Q. And then if we go to the next page,
7 there's a reference to the Europe Committee, the
8 Africa Committee, the Indian Subcontinent
9 Committee, and the Middle East Committee.

10 Does that information raise a
11 question in your mind as to whether or not the
12 Al-Haramain accounts at Al Rajhi Bank in Saudi
13 Arabia were being used to support Al-Haramain
14 operations outside of Saudi Arabia?

15 MS. KOWNACKI: Objection.

16 THE WITNESS: Excuse me.

17 I'd want to see more
18 documentation.

19 BY MR. CARTER:

20 Q. So you're not certain?

21 A. No.

22 MR. CARTER: I think I would
23 like just to confer with my colleagues,
24 but we may be wrapped up.

1 MS. KOWNACKI: Okay. We can
2 take --

3 THE VIDEOGRAPHER: Ready to go
4 off the record?

5 MR. CARTER: Yeah. We can go
6 off the record.

7 THE VIDEOGRAPHER: The time is
8 2:31 p.m. We're off the record.

9 (Recess.)

10 THE VIDEOGRAPHER: The time is
11 2:39 p.m. We're back on record.

12 BY MR. CARTER:

13 Q. Mr. Lormel, thank you for your time.
14 We don't have anything further, subject to any
15 questioning your counsel may have.

16 MS. KOWNACKI: Thank you.

17 THE WITNESS: Thank you.

18 MS. KOWNACKI: I don't have
19 any further questions. Just, you know,
20 thank you to the technicians, and I want
21 to designate today's deposition under the
22 protective order for the initial period
23 and thereafter.

24 So that's it from us.

1 MR. CARTER: Okay. And we'll
2 just reserve rights with regard to the
3 designation.

4 MS. KOWNACKI: Thank you.

5 THE WITNESS: Okay.

6 THE VIDEOGRAPHER: The time is
7 2:39 p.m. We are off the record.

8
9 (Signature not waived, the
10 deposition concluded at 2:39 p.m.)
11

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| | ERRATA SHEET |
|----|--|
| 1 | |
| 2 | |
| 3 | Page No. _____ Line No. _____ Change to: _____ |
| 4 | _____ |
| 5 | Page No. _____ Line No. _____ Change to: _____ |
| 6 | _____ |
| 7 | Page No. _____ Line No. _____ Change to: _____ |
| 8 | _____ |
| 9 | Page No. _____ Line No. _____ Change to: _____ |
| 10 | _____ |
| 11 | Page No. _____ Line No. _____ Change to: _____ |
| 12 | _____ |
| 13 | Page No. _____ Line No. _____ Change to: _____ |
| 14 | _____ |
| 15 | Page No. _____ Line No. _____ Change to: _____ |
| 16 | _____ |
| 17 | Page No. _____ Line No. _____ Change to: _____ |
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| 19 | Page No. _____ Line No. _____ Change to: _____ |
| 20 | _____ |
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| 22 | _____ |
| 23 | Page No. _____ Line No. _____ Change to: _____ |
| 24 | _____ |

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DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the DEPOSITION ERRATA SHEET hereof, with the understanding that I offer these changes as if still under oath.

Signed on the _____ day of _____, 2024.

DENNIS M. LORMEL

CERTIFICATE OF REPORTER

DISTRICT OF COLUMBIA)

I, Denise Dobner Vickery, a
Registered Court Reporter and Notary Public of
the District of Columbia, do hereby certify that
the witness was first duly sworn by me.

I do further certify that the
foregoing is a verbatim transcript of the
testimony as taken stenographically by me at the
time, place and on the date herein set forth, to
the best of my ability.

I do further certify that I am
neither a relative nor employee nor counsel of
any of the parties to this action, and that I am
neither a relative nor employee of such counsel,
and that I am not financially interested in the
outcome of this action.



DENISE DOBNER VICKERY, CRR, RMR
Notary Public in and for the
District of Columbia

My Commission expires: March 14, 2028

THIS TRANSCRIPT CONTAINS CONFIDENTIAL MATERIAL

ERRATA

GOLKOW LITIGATION SERVICES
ONE LIBERTY PLACE
1650 MARKET STREET, SUITE 5150
PHILADELPHIA, PA 19103
877-370-3377

NAME OF CASE: *In Re: Terrorist Attacks On September 11, 2001*, No. 03-md-1570 (S.D.N.Y.)

DATE OF DEPOSITION: February 1, 2024

NAME OF DEPONENT: Dennis M. Lormel

| Page | Line(s) | Change | Reason |
|------|---------|--|---------------------|
| 4 | 14 | Change "Nicolle.Kownacki@whitecase.com" to "nkownacki@whitecase.com" | Transcription error |
| 4 | 18 | Delete "(Via Zoom)" | Transcription error |
| 20 | 3 | Change "167.5" to "165.5" | Clarification |
| 30 | 15-16 | Change " – I don't specifically recall. Life for something" to "Relief." | Clarification |
| 33 | 18 | Change "2011" to "roughly 2012" | Clarification |
| 39 | 5 | Change "contained" to "had" | Clarification |
| 41 | 22-23 | Delete "Eastern District of New York – I mean, in New York – in the" | Clarification |
| 42 | 4 | Change "they – they" to "the" | Clarification |
| 43 | 9 | Change "I" to "we" | Clarification |
| 43 | 10 | Add "initial" after "I made the" | Clarification |
| 43 | 10 | Add ", and briefed Directed Robert Mueller, who concurred" after "I made the initial decision" | Clarification |
| 46 | 2 | Change "danger" to "safety risk" | Clarification |
| 46 | 3 | Add ", and Mueller concurred" after "had the FBI pulled out of that" | Clarification |
| 48 | 20 | Change "yes" to "It was a criminal investigation. Criminal prosecution was declined." | |
| 51 | 7 | Change "the" to "Operation" | Clarification |
| 51 | 9 | Delete "They reopened –" | Clarification |
| 60 | 6 | Change "are" to "were" | Transcription error |
| 64 | 9-11 | Change "My position was that that should have been part of the same task force what they were doing." to "My position was that what they were doing should have been part of the same task force." | Clarification |
| 64 | 24 | Change "and" to ", so that" | Clarification |
| 65 | 1 | Add "and have" before "it" | Clarification |
| 65 | 20 | Delete "I opened up –" | Clarification |
| 65 | 21 | Capitalize "When" | Capitalization |
| 68 | 23 | Delete "what" | Clarification |
| 69 | 18 | Capitalize "Department" | Capitalization |
| 73 | 21 | Insert "that I" after "know" | Clarification |

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| Page | Line(s) | Change | Reason |
|------|---------|---|-------------------------------------|
| 74 | 10 | Delete "I -- now, you just --" and capitalize "At" | Clarification |
| 74 | 12 | Change "didn't" to "don't" | Clarification |
| 75 | 15 | Change "suspect" to "suspected" | Transcription error |
| 76 | 17 | Change "aggressive" to "aggression" | Clarification |
| 80 | 18 | Add "article" after "whole" | Clarification |
| 81 | 10 | Change "had nothing to do" to "was unrelated to our discussion for this article." | Clarification |
| 82 | 4-7 | Add quotation marks before "found" and after "Foundation." | Clarification |
| 82 | 6 | Add "the" before "SAAR Foundation." | Clarification |
| 86 | 24 | Change "Al-Rajhi" to "Al Rajhi Bank or the Al Rajhi family" | Clarification |
| 96 | 7 | Add "the" before "SAAR" and "Foundation" after "SAAR" | Clarification |
| 96 | 9 | Add "the" before "SAAR" and "Foundation" after "SAAR" | Clarification |
| 97 | 19 | Change "Counterterrorism" to "Counterintelligence" | Transcription error |
| 99 | 18 | Add "(SAAR)" between "al-Rajhi" and "Foundation" | Transcription error |
| 102 | 2 | Change "a" to "the" | Clarification |
| 102 | 22 | Add ", which" after "here" | Clarification |
| 108 | 2 | Add "Bank" after "Al Rajhi" | Clarification |
| 108 | 17 | Remove "if" | Clarification |
| 114 | 24 | Change "financial" to "financing," | Clarification |
| 117 | 18 | Remove "" symbol before "more" | Transcription error |
| 123 | 13-14 | Change "in special" to "especially" | Clarification |
| 126 | 14 | Remove comma after "examination" | Transcription error |
| 138 | 14 | Change "intelligent" to "intelligence" | Transcription error |
| 139 | 11 | Change "independent" to "independently" | Clarification |
| 160 | 23 | Add "don't" before "recall" | Clarification |
| 161 | 22 | Change "report" to "reporting" | Transcription error |
| 174 | 5 | Remove "of" before "6.2" | Transcription error |
| 179 | 2 | Remove "Person" before "Gulf" | Transcription error |
| 180 | 14 | Add "Al Qaeda." after "to" | Clarification |
| 181 | 9 | Add "that doesn't mean" before "I agree with" | Clarification |
| 183 | 1 | Change "objection" to "objections" | Transcription error |
| 183 | 11 | Remove "issue with" and replace with "reference by the 9/11 Commission to" | Transcription error |
| 185 | 16 | Change "Nazradeen" to "Nasserdeen" | Clarification |
| 192 | 18 | Change "doing any business in the United States" to "really doing business with anybody in the West, certainly in the United States it wouldn't be able to" | Transcription error |
| 196 | 20 | Change "director" to "directors" | Clarification |
| 196 | 21 | Change "was hearings" to "were meetings" | Clarification |
| 198 | 10 | Change "So" to "To" | Transcription error |
| 210 | 22 | Change "Stata's" to "State" | Transcription error / Clarification |
| 210 | 22 | Add "Department's" after "State" | Clarification |

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| Page | Line(s) | Change | Reason |
|------|---------|--|---------------------|
| 216 | 10 | Change "MS. PRITSKER" to "MR. TARBUTTON" | Transcription error |
| 217 | 3 | Change "in" to "into" | Transcription error |
| 219 | 7 | Add "the size of the bank" after "smoking gun," | Clarification |
| 219 | 7 | Change "wouldn't matter" to "wouldn't have mattered" | Transcription error |

ACKNOWLEDGEMENT OF DEPONENT

I, Dennis M. Lormel, as Al Rajhi Bank's designated deponent, do hereby certify that I have read the pages in the transcript of my deposition on February 1, 2024, in the matter *In Re: Terrorist Attacks On September 11, 2001*, No. 03-md-1570 (S.D.N.Y.), and that the transcript is a correct transcription of the answers given by me to the questions therein propounded, subject to the corrections and changes in form or substance noted in this Errata.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed 3/22/2024



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